

THE Atlantic

JUNE 2004

SPIN, SCANDAL,
AND A FATEFUL
"YES" TO A WAR
HE COULD HAVE
STOPPED

THE TRAGEDY OF TONY BLAIR

BY GEOFFREY
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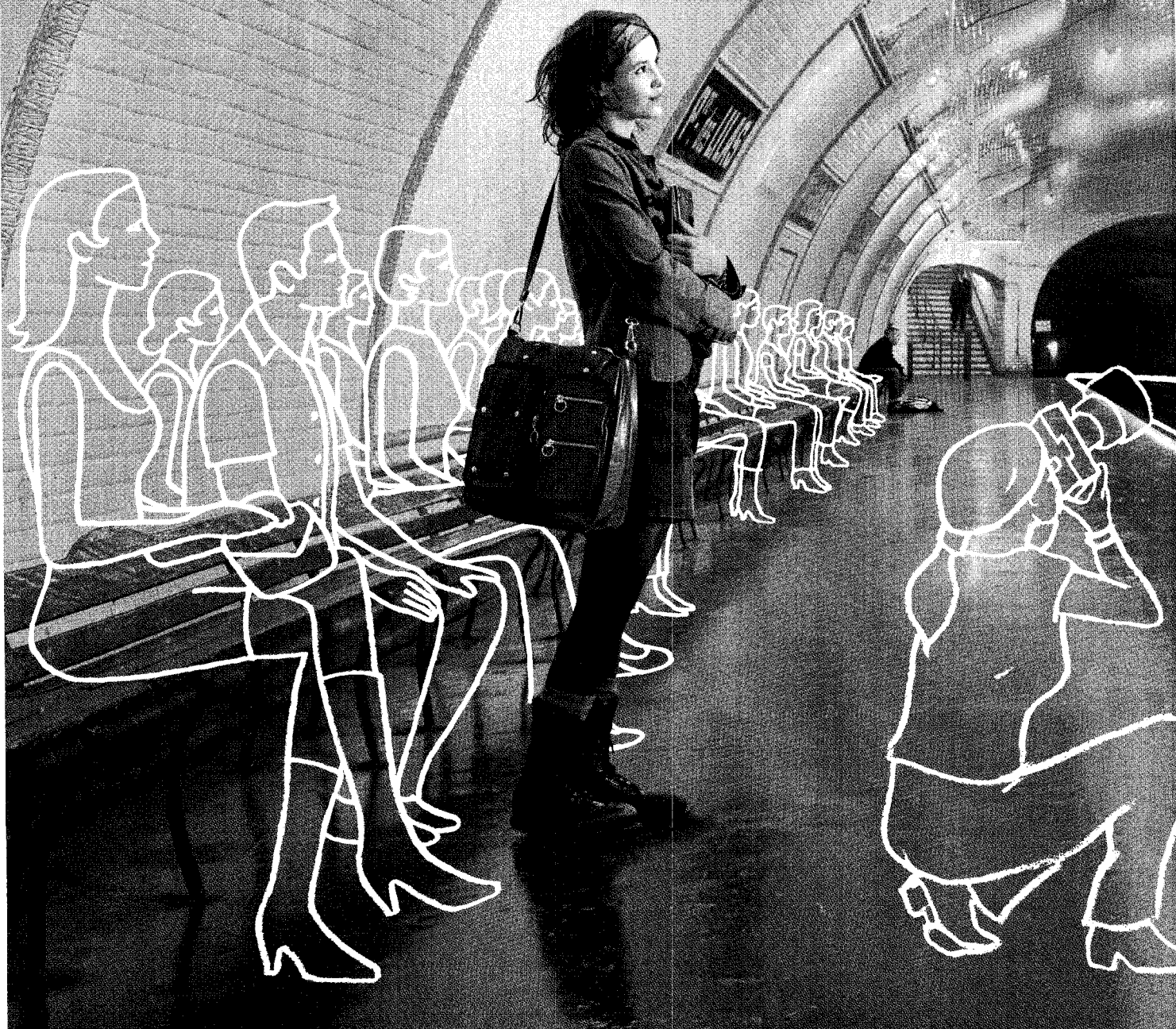


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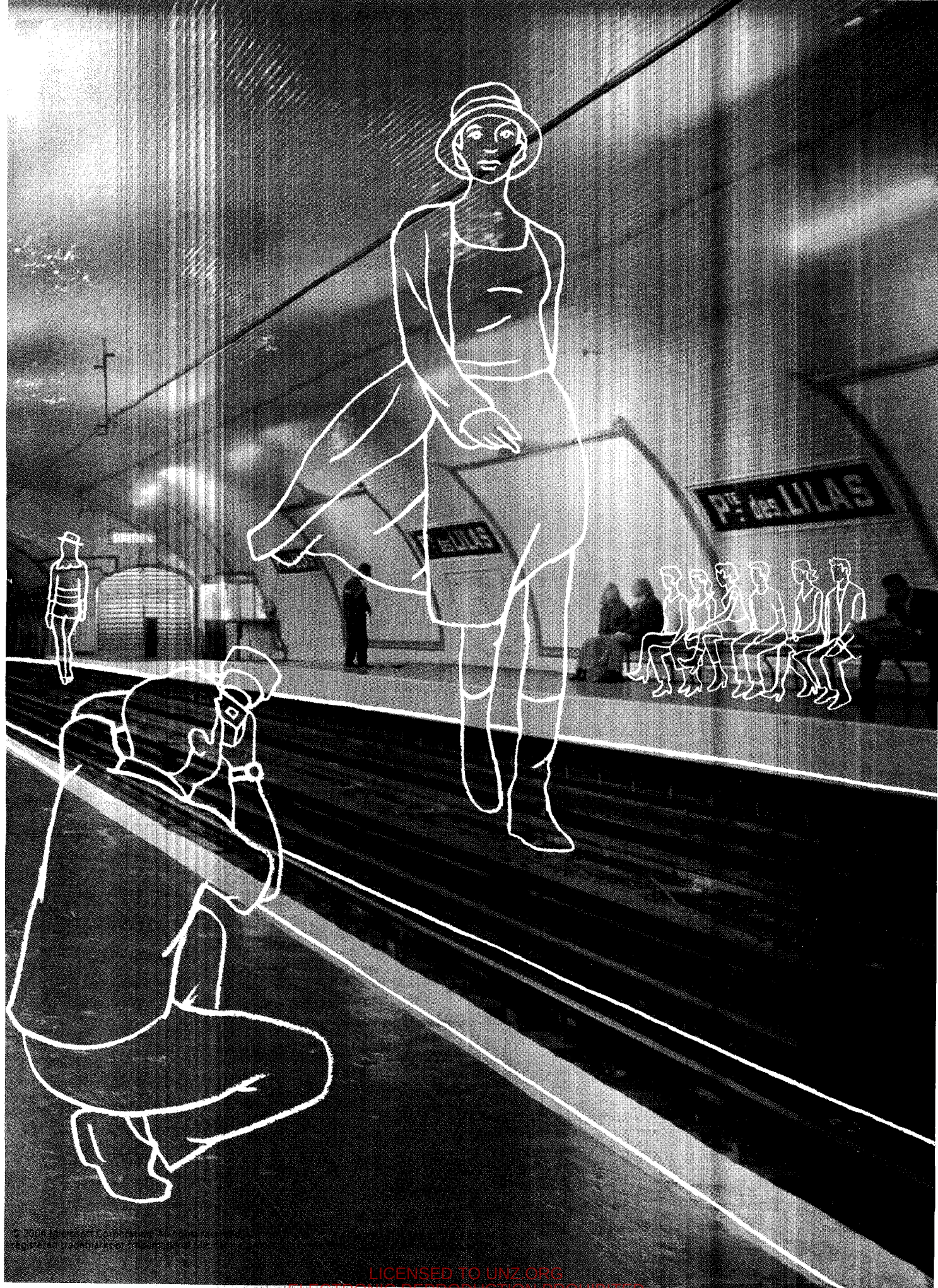
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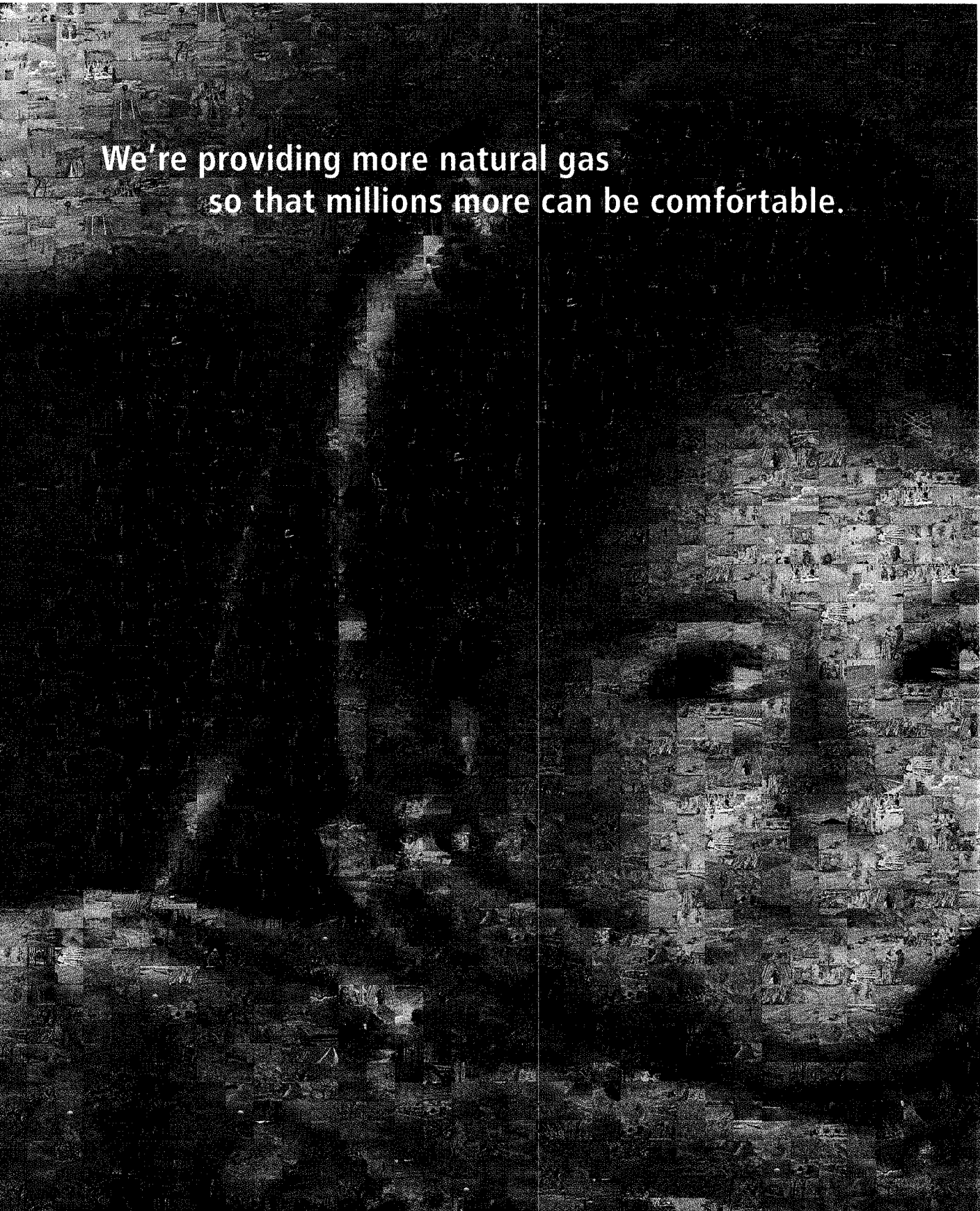
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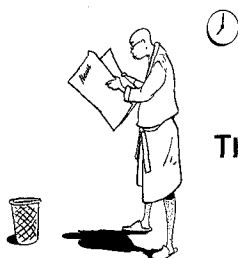
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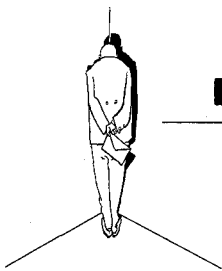
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LETTERS TO THE EDITOR

Genetic Engineering

As one of the early advocates of the Human Genome Project (I helped establish the first HGP, at Berkeley, California, in 1987), I read Michael J. Sandel's "The Case Against Perfection" (April *Atlantic*) with great interest. Sadly, his discussion of "designer children, bionic athletes, and genetic engineering" demonstrates a serious lack of understanding of the important results of the HGP that were announced with great fanfare by President Bill Clinton and Prime Minister Tony Blair in 2000 and published in 2001 in the journals *Science* and *Nature*.

The preponderance of results from the international effort to sequence the three billion nucleotides of the human genome, and hundreds of subsequent studies on the mechanisms of gene expression, have made the prospect of predicting disease propensities and the ability to manipulate genetic traits far less likely than Sandel projects. This is particularly true where complex traits such as intelligence, physical characteristics, cognition, and behavior are involved. Sandel uses scenarios for which there is little scientific support. It is now apparent that each gene may yield several thousand expression variants. The DNA gene is an essential component of gene expression, but it is clearly not deterministic, as Sandel and his science-challenged colleagues on the President's Council on Bioethics reflect in their various official publications. Sandel uses scenarios from a science-fiction movie to bolster his view of reality. He has distorted facts: for example, the cloned sheep Dolly did not "die a premature death"; it was euthanized because of an arthritic condition that is not uncommon in sheep of that breed and age.

Sandel claims to be "troubled by genetic engineering for stronger bodies,

sharper memories, greater intelligence, and happier moods." His construct and other fears are so remote as to raise questions about his motives in raising these scientifically unsupported scenarios. The council's publication *Beyond Therapy: Biotechnology and the Pursuit of Happiness* contained statements implying that it was now possible to create designer babies with specific complex traits. Elizabeth Blackburn, of the University of California at San Francisco, who was purged from the council, and Janet Rowley, of the University of Chicago, requested that these unscientific statements be modified to reflect the fact that no such possibility was in hand or available in the near term. Their request was rejected.

Like his colleagues on the council, Sandel is obviously motivated to convert nonbelievers to accept the role of supernaturalism in our work and lives. Indeed, Sandel and the council are so intent on securing a role for supernaturalism that they have purged the membership of anyone who does not share their religious beliefs. What is particularly egregious is that they are using federal funds and resources to achieve this purpose as well as suppressing, distorting, and misrepresenting facts to implement their proselytizing efforts.

Paul H. Silverman
University of California
Irvine, Calif.

The big problem is that Michael Sandel asserts a distinction between ethical "medical" and dubious other uses of genetic engineering, without ever attempting to provide a principled distinction. I doubt that there is one. At what point should low mental function cease to be a glorious example of the diversity of life and become a tragic accident? "Normal" is nothing more exalted than acceptance of the inevitable—the pot bearing the marks of its making.

Why should any use at all of genetic engineering—as compared with open-heart surgery or modern neonatal care—be regarded as "the one-sided triumph of willfulness"? To whom does the former seem "somehow worse—more intrusive, more sinister"? The problem with the more grotesque applications has to do with "the attitudes and dispositions that prompt the drive for enhancement," which really has nothing to do with particular technologies (think of the grotesque applications of demographics, or of financial-accounting technology), and remains unexamined here.

Of course perfection is to be striven for (no fear it will be achieved). What would the alternative be? The preliminary task is to describe perfection, here in a society of individuals. Sandel isn't helping.
Marshall Pease
Coos Bay, Ore.

Michael Sandel doesn't reckon with the possibility that parents' willfulness in genetically designing their children will be matched by children's willfulness in resisting their parents' intentions. One can easily imagine a child "designed" to be, say, a basketball player who rebels against a career in sports and the parental pressure that accompanies it, preferring instead to become a poet. Theoretically, of course, the child could be genetically programmed for a compliant nature; but such passivity would detract from the qualities of improvisation and leadership needed to excel in basketball.

The complexity of the genetic underpinnings of talent and temperament, and the still-mysterious interplay between genes and environment in shaping who we are, suggest that attempts to design children for specific purposes are as likely to backfire as they are to succeed.

Robert Levy
Swampscott, Mass.

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Michael Sandel presents several dubious arguments against the use of genetic engineering to enhance human capabilities. The most fundamental problem is his false assumption that with sufficient engineering humanity's future would lack enough challenge and uncertainty to sustain our awe of the wondrous world about us. Surely we have ample evidence that genes alone do not determine our future makeup; rather, it is the unpredictable interaction of genes and environment. And isn't it likely that our enhanced capabilities would lead to a greater awareness of what we do not know rather than to a total mastery of all there is to know?

If advances in scientific knowledge pose difficulties for our self-image and our "moral landscape," perhaps our efforts would be better spent in re-evaluating the bases of our self-image and moral values than in trying to prevent the application of science to the betterment of humanity. Considering the pace at which scientific advancements are moving on so many fronts, that re-evaluation is urgently needed.

Kenneth Goudreau
Sullivan, Maine

Michael Sandel's real beef is with human nature: we are proud, we favor tall and pretty people, we act our insecurities out on our children, we act selfishly. Taking aim at technology will do little to correct these things. We will continue to modify the natural state of affairs for our own benefit, as we always have. The question is not whether we should presume to improve on the lot we're dealt by nature—we will, because that's what human beings do—but how we use the tools we invent, and what safeguards we put in place to prevent nasty consequences. With obvious exceptions (such as nuclear weapons), we always seem to figure it out eventually. To use an example from Sandel's article, instead of prohibiting genetic testing across the board, the Senate voted to prohibit genetic discrimination in health insurance. It is seldom easy to figure out how to get the benefits of technology while minimizing the bad side effects; but it can be done, and it is a far more productive endeavor than wringing our

hands about man's hubris and the "dehumanizing" effects of every new invention that comes along.

Herb Caudill
Washington, D.C.

Michael J. Sandel replies:

Paul H. Silverman's letter is a farrago of confusion and misdirected ideological ire. He takes me to task for the sins, as he sees them, of the President's Council on Bioethics, a body on which I serve, but for which my article does not speak. He accuses me of proselytizing for the supernatural, of trying to convert nonbelievers to religion, of slandering Dolly the cloned sheep, and, most absurdly, of helping purge from the council my friend and colleague Elizabeth Blackburn, a noted cell biologist who dissented from the majority's vote for a moratorium on cloning for research and regenerative medicine. In fact I, too, was among the dissenters, and was unhappy when President Bush dismissed Dr. Blackburn. Mr. Silverman's suggestion that I had anything to do with this is ridiculous. His accusation of missionary zeal is hardly more credible. Although my article maintains that eugenics and other forms of genetic engineering are at odds with an appreciation of the giftedness of life, I emphasize that this notion does not necessarily depend on religion. As for Dolly, Mr. Silverman is incorrect in saying that she was euthanized because of an arthritic condition. Dolly did have arthritis, but was euthanized because of a virus that caused a tumor in her lung. (See *Nature*, vol. 421, p. 776.) The source for my statement, disputed by Mr. Silverman, that Dolly died a premature death is a paper by Rudolf Jaenisch, an MIT cell biologist who is one of the world's foremost cloning experts. (The article can be found at www.bioethics.gov/background/jaenisch.html.)

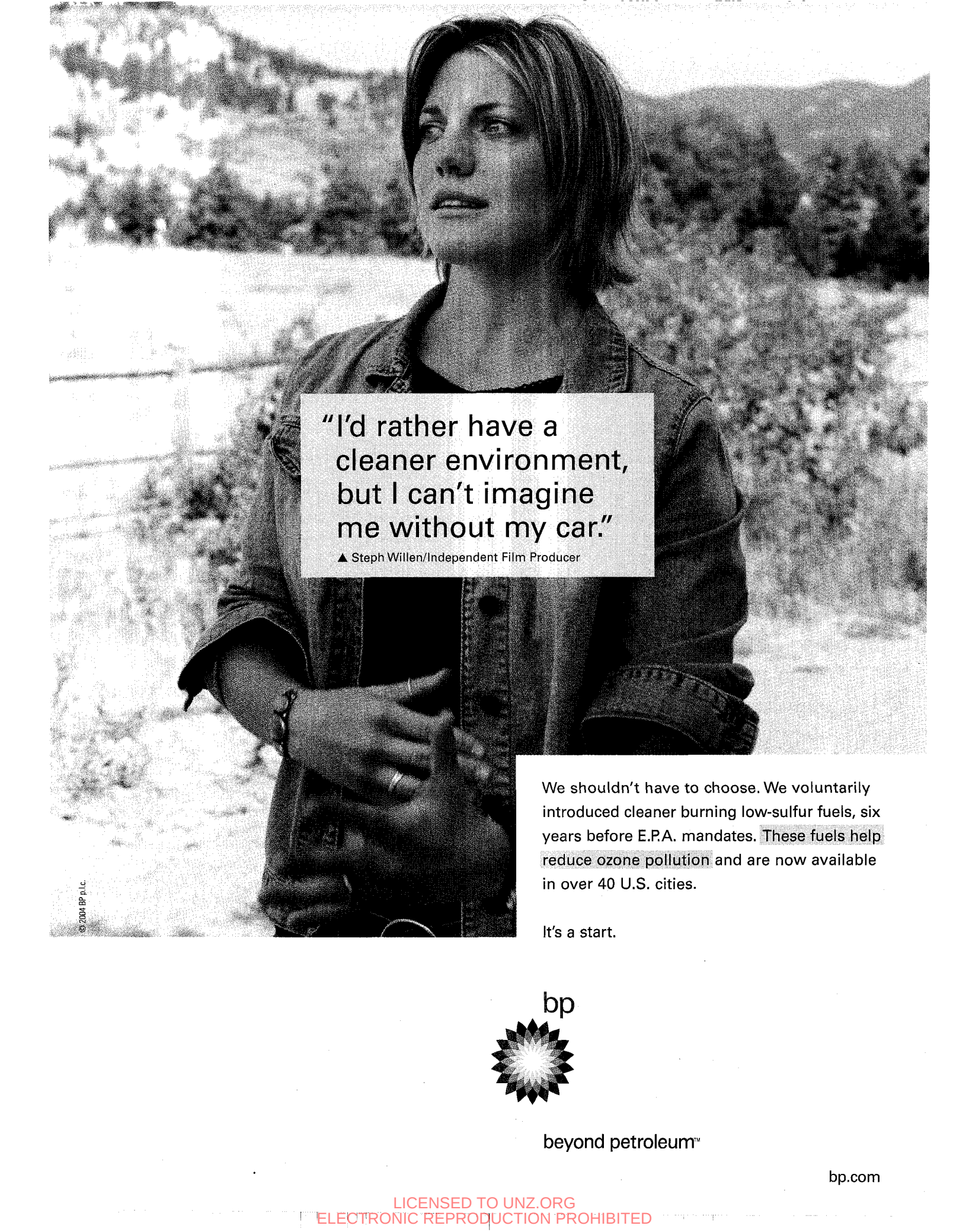
Mr. Silverman's one serious point is that a complex trait like human intelligence is unlikely to yield to genetic enhancement anytime soon. Although this is true, it is nonetheless worth reflecting on what enhancements we should aspire to. Indeed, speculation about the prospect of enhancing IQ has come not only from philosophers but, as my article points out, from leading molecular biologists, including James Watson and Robert Sinsheimer. And some forms of enhancement are far from remote.

Of my four primary examples—muscle enhancement, memory enhancement, height enhancement, and sex selection—the last two are already practiced and the first two have been achieved in mice, with research under way on human applications. These are not science-fiction scenarios. Robert Levy and Kenneth Goudreau make the legitimate point that our nature is determined not by genes alone but, rather, by a complex interplay of genetic and environmental factors. Even a designer child, Mr. Levy points out, could rebel against her design and choose a different life path from the one her parents intended. I agree, but nothing in my argument implies that we are genetically determined; on the contrary, I maintain that all strenuous attempts to mold and control our children, whether by genetic, educational, or environmental means, can raise ethical questions.

Gay Marriage

Jonathan Rauch's "A More Perfect Union" (April *Atlantic*) practically begs for arguments. I'll begin by saying that the state has no interest in personal relationships with the exception of heterosexual marriage, because therein lies the next generation of taxpaying citizens. Studies show that two-parent families give children the best chance for a successful adulthood, and it is in the interest of the state to favor such scenarios. Continuing on the personal-relationship thread, Rauch contends parenthetically, "(So much for the idea that marriage is about procreation)"; actually, the law in Arizona that allows first cousins to marry only if one of the cousins "is unable to reproduce" proves the reverse of Rauch's point. Thus in Arizona we see the state banning a relationship that could believably produce offspring requiring a burdensome drain on public resources. Again, it is all about procreation. One's choice of best friend, roommate, or homosexual lover has nothing to do with the state.

Beyond the privacy issue of personal relationships is the issue of yet more entitlements at a time of increasing worry over the number of Baby Boomers nearing retirement age. Must we give tax breaks to two working adults who claim to be homosexual lovers? We're not



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talking about pregnancy, childbirth, and day-care costs for homosexual lovers. If child custody from a previous heterosexual marriage is involved, let the divorce lawyers work that out. As for hospital visitation, why not have a living will that allows the patient to be visited by his or her significant other? This is a problem for cohabiting heterosexuals, too. The problem is the hospital, not the lack of a marriage certificate.

Rauch wants to experiment with gay marriage to see if it would have any negative effects on society. Apparently, the experiment is already under way in Scandinavia. According to Stanley Kurtz ("The End of Marriage in Scandinavia," in the February 2 *Weekly Standard*), after a decade or more of "something close to full gay marriage," a majority of children in Sweden and Norway are born to unmarried parents. Kurtz sees the separation of marriage and parenthood that is intrinsic in same-sex marriage as a factor in the out-of-wedlock births. He sees the solidly middle-class socialist states of Scandinavia beginning to feel the financial burden of supporting single-parent children, and worries that the burden will be a crushing one in a country like the United States, with large numbers of undereducated and underemployed citizens. He ends his article with the words "By the time we see the effects of gay marriage in America, it will be too late to do anything about it. Yet we needn't wait that long. In effect, Scandinavia has run our experiment for us. The results are in."

Above all, people should not confuse those who are against same-sex marriage with those who are against gays. Simply put, licensing gay relationships looks like an invasion of privacy, and calls forth a daunting tangle of laws, as pointed out by Rauch himself.

*Gail T. Lambert
Roanoke, Va.*

Jonathan Rauch makes a detailed argument for state-by-state recognition of gay marriage. But to write that "same-sex marriage neither must nor should be treated as an all-or-nothing national decision" ignores the most compelling reason for gay marriage: equality under the law.

Federal, state, and local governments discriminate. To allow this discrimination to continue in even one state or county is wrong.

The argument that state-by-state legalization of gay marriage would "give the whole country a chance to learn" is misguided and unsupported by history. Although most states removed their sodomy laws from the books decades ago, some states were unable or unwilling to "learn" from the example set until it was forced upon them by the federal government. To think that conservative regions of the country would not become more strongly opposed to gay marriage if liberal regions legalized it is to misunderstand human nature.

The author has confidence in the public's decency and commitment to liberal principles, but I do not, and neither did the Founding Fathers. In fact, the writers of our Constitution feared the tyranny of the masses. A conservative-minded individual who has not been exposed to many or even any gay people cannot judge this issue fairly and should not be allowed to do so.

Rauch argues that a state-by-state approach would prevent a national culture war. Again, history has proved otherwise. Slavery was handled with a state-by-state approach—with the result that the institution became so entrenched that it caused the most violent "culture war" our nation has ever experienced.

The denial of the right of homosexuals to marry is not as despicable as the institution of slavery, but it does have many of the same effects. It marginalizes a large portion of society; it violates the Constitution's promise of equality under the law; and it causes deep emotional suffering. Society does not allow a gay teenager to experience her burgeoning sexuality with the combination of fear and excitement, and the "support of her peers," that a heterosexual teenager has. Few gay teens would feel comfortable taking a same-sex date to the prom, or dating at all while in high school. Growing up gay still involves mortal fear. The straight teen fears rejection; the gay teen fears isolation, injury, and death.

Rauch argues that a state-by-state approach to abortion would have given pro-lifers the comfort of being able to re-

side in a state that reflected their beliefs. It would also have given the pregnant girls of that state no choice but to give birth to unwanted children. Teen pregnancy does not occur only in liberal families, just as gay children are not born only into gay-friendly families. How truly sad it would be if a gay teen suffered because he was born on the wrong side of a state line. He could move to a gay-marriage state after becoming an adult, but he would have lost the opportunity to grow up without the hatred and intimidation supported by his conservative state. The acceptance offered by his new state would not remove his painful childhood from memory.

Rauch states, "Both sides want something life doesn't usually offer—a guarantee." Gays and lesbians do not expect life to offer them equality. They expect the Constitution to do so—and it can. It already does. Yes, a slice of bread is better than nothing to a starving man. But the right thing to do, the moral thing, is to feed the man not only bread but a full meal. We will probably be stuck with a state-by-state approach to gay marriage, but it will be the more divisive and morally flawed approach.

*Shahan Sanossian
Los Angeles, Calif.*

Jonathan Rauch's argument suffers primarily from two failures. The first is his failure to note that marriages recognized only by certain states would not be recognized, as heterosexual marriages are, by federal law. Heterosexual marriage confers certain rights and responsibilities at separate state and federal levels. To deny any of these to homosexual couples would be as outrageous as denying them to interracial or any other committed couples. The second is his failure to recognize that marriage, as explicitly articulated by Chief Justice Earl Warren in *Loving v. Virginia*, is one of the basic civil rights of humankind. As history has shown, the states cannot be trusted with matters of civil rights. To compare civil rights to banking laws, which are handled by the individual states, is beyond fallacious; it is ludicrous. On the grounds of equal protection and due process, the Federal Defense of Marriage Act and the various



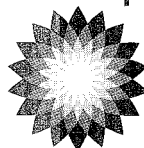
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discriminatory state laws and state constitutional tenets violate the U.S. Constitution; in affirmation of this the federal courts should strike them all down, as the Supreme Court did to anti-miscegenation laws in 1967. States must not be permitted to deny the constitutional rights of particular groups; Americans who support our Constitution should be as horrified by the prohibition against gay marriage as they would be if, for example, some state decided that freedom of speech wasn't all that important anymore. States' rights have their place, but civil rights, which are absolute and non-negotiable, must trump them every time. Freedom, liberty, and justice require this.

*Eric Motylinski
Poughkeepsie, N.Y.*

Franklin Foer ("Marriage Counselor," March *Atlantic*) leaves wholly unchallenged (and, indeed, seems almost to endorse) the only argument against same-sex marriage made by Matt Daniels—namely, that we "need good social science" on its effects on heterosexual marriage. Although one might hope that the burden of proof would be on those favoring discrimination, Daniels's premise is backwards in any event. The best, and perhaps only, way to get such social science would be to allow some states to conduct the experiment and then study its effects. Daniels would outlaw the very procedure that would provide the data he claims we need. Lacking any intellectual justification for his opposition to state experimentation in this area, he should have the courage to admit what those on the far right proudly proclaim: they oppose gay marriage because they hate gays. At least that has the virtue of honesty.

*Tom Isaacson
Boulder, Colo.*

Franklin Foer's piece on Matt Daniels, promoter of the Federal Marriage Amendment, prompts these thoughts.

Why not let legislatures redefine all existing government-sanctioned "marriages" as "civil unions" and recognize marriage as a religious matter over which they have no authority? Let states

establish procedures and regulations for the formation of civil unions. Let churches establish such rules as they deem appropriate for the marriages they sanction. And let those who want to be "married," whether in the Roman Catholic way, or the Conservative Jewish way, or the Methodist way, or the Latter-day Saints way, or whatever way, go to their respective religious societies and get married—just as they go to pray; to get baptized, confirmed, or bar mitzvahed; to confess sins; or to take communion.

The sacred institution of marriage will then be safely in the hands of the churches, and the rest of us can manage our private lives as we wish.

*Gordon E. Parks
Whitewater, Wis.*

Nanny Wars

Caitlin Flanagan has written a piece of tremendous projection ("How Serfdom Saved the Women's Movement," March *Atlantic*). On becoming a mother, she found that she was being stuck with all the work. Rather than engage in disagreeable fights with her husband, she hired a nanny who is also, apparently, a full-time maid. It follows that feminists' efforts to get men to share housework and child-rearing must be inherently hopeless and can succeed only in ruining marriages. (After Alix Kates Shulman wrote her egalitarian marriage agreement, her marriage fell apart. Isn't that proof enough?)

Furthermore, Flanagan and the women she talks to think "day care sucks." It follows that this opinion must be shared by all "professional-class mothers." The naive may think the movement for universal day care was stymied by the ascendance of a conservative politics that abhors social spending, but no: career women actually prefer to exploit immigrants.

In reality, most women in the "professional" category (a large and heterogeneous group that Flanagan seems to equate with wealthy corporate types like Zoe Baird) couldn't afford full-time nannies and housekeepers even if we wanted them. Nor do I know of any feminist who thinks that servants are the

solution to women's "double shift." In addition to putting continued pressure on men to do their share, feminist proposals have included curbing the present insane regime (for both sexes) of ten- and twelve-hour workdays, subsidizing parents (of both sexes) who choose to stay home, and building institutions like my daughter's day-care co-op (where teachers of both sexes took care of the kids, and parents of both sexes cleaned the toilets).

To be sure, there can be no serious feminist politics that does not take account of class differences and conflicts among women. But Flanagan invokes class inequality mainly to deny that inequality in male-female relations is also an issue. Having made her own accommodations, she exhorts other women to join her in accepting that aversion to housework comes with the Y chromosome, and in gratefully embracing globalization. She should stick to speaking for herself.

*Ellen Willis
New York, N.Y.*

As the owner-operator of an active New York City nanny-placement service for the past thirteen years, I appreciate the excellent social-historical perspective provided by Caitlin Flanagan. However, at the end of her article Flanagan declares that she pays her nanny's share of the required taxes "so as not to short her take-home pay." Did she also explain to her nanny that by so doing, she has upped the poor woman's taxable gross pay? If the nanny needs more take-home pay, pay her more.

*Joan Friedman
A Choice Nanny, NYC
New York, N.Y.*

Caitlin Flanagan replies:

Ellen Willis virtuously reports that she sent her daughter to a day-care center founded on risibly egalitarian principles, but she also lets slip that she couldn't afford to hire a nanny. I wonder if she would have been so eager to have her little girl cared for in an institutional setting if she could have had a caregiver look after the child in her own home, where she would have been exposed to fewer illnesses and where she would not have been denied care on days when she

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was sick (a drawback to day care cited by working mothers of all social classes). Typically, financial restraints rather than philosophical convictions propel women to choose day care instead of a nanny, particularly when infants are involved.

I am grateful that we do not have universal day care. Why should I be taxed to provide child care for the millions of Americans who can easily afford it? What we desperately need in this country is government-funded, needs-tested day care; but we may never get it, because professional-class feminists like Willis—who apparently has access to a marvelous center that not only cares for her child but also helps to inculcate the values she holds most dear—are so eager to get a piece of the pie for themselves.

I hope Joan Friedman is not encouraging her clients to increase their employees' take-home pay in lieu of paying their Social Security taxes. Like all other workers, nannies need forty Social Security credits to qualify for the important benefits the program offers.

Jefferson's Count

I enjoyed "How Jefferson Counted Himself In," by Bruce Ackerman and David Fontana (March *Atlantic*). I was, however, dismayed that they repeat an erroneous historical legend, to the effect that James Bayard, of Delaware, changed his vote to single-handedly give the election of 1800 to Thomas Jefferson. Bayard was a central figure in the election drama, but his personal vote did not directly affect the outcome.

In the then sixteen-state republic, Jefferson needed to carry nine states for a majority in the House of Representatives. As the authors note, the Federalists joined together to vote for Aaron Burr in an attempt to obstruct Jefferson. Each state held one vote, so states with equal numbers of Federalist and Democratic-Republican representatives were split between Jefferson and Burr and thus abstained—effectively a vote against Jefferson. In this way the Federalists were able to hold the vote at eight states for Jefferson, six for Burr, and two abstentions. When it became evident that their strategy could lead to armed conflict, a group of Federalists (encouraged by

Bayard) moderated their stance. These Federalists could never bring themselves to vote for Jefferson, so they simply cast "no vote." As the only representative of Delaware, Bayard switched his vote from Burr to "no vote," thereby moving his state into the "abstain" column. South Carolina also moved from "Burr" to "abstain"—but when the Federalists in Maryland and Vermont stopped voting for Burr, those states were carried by the Democratic-Republicans. The final vote was therefore ten states for Jefferson, four for Burr, and two abstentions.

Russell Lees

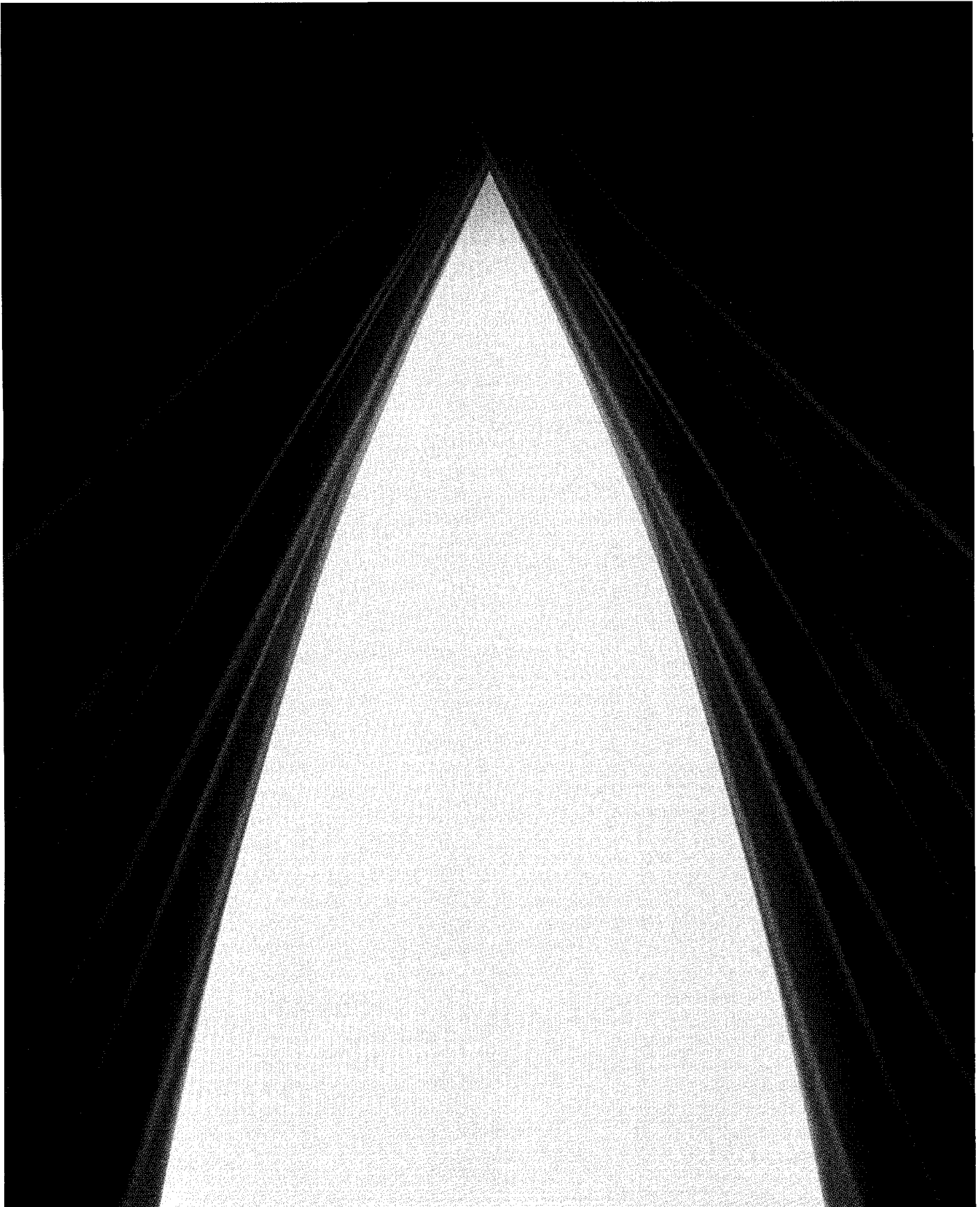
Los Angeles, Calif.

Bruce Ackerman

and David Fontana reply:

James Bayard was Delaware's only congressman, and so had the power to give Jefferson the presidency by switching his state's vote in the House runoff. After repeated House balloting led to a continuing impasse, he announced to his Federalist colleagues his intention of voting his state for Jefferson. Here is how he reports their reaction in a letter to his cousin Samuel Bayard:

"I came forward and avowed my intentions of putting an end to the contest. The clamor was prodigious. The reproaches vehement. I procured a meeting—explained myself and declared an inflexible intention to run no risk of the constitution. I told them that if necessary I had determined to become the victim of the measure. They might attempt to direct the vengeance of the Party against me but the danger of being a sacrifice could not shake my resolution. Some were appeased: others furious, and we broke up in confusion. A second meeting was no happier in its effect: In the end however there was a general acquiescence and the whole Party agreed to vote alike, except Mr. Esmonds of Connecticut. His persisting in voting for Burr induced the four New England States to do the same thing. Morris retired [abstained]—Vermont in consequence voted for Jefferson—four members of Maryland voted blank,—the result of the Maryland was the same with Vermont. South Carolina and Delaware voted in blank. As I had given the turn to the election, it was impossible for me to accept an office [Minister to France] which would be held on the tenure of Mr. Jefferson's pleasure."



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This account is confirmed by other contemporary sources, and explains the official result accurately reported by Russell Lees. Bayard's decisive role in Jefferson's election is no "myth." On the contrary, the congressman's decision to transcend partisanship in resolving the constitutional crisis makes him an unsung hero of the early Republic.

Department of Amplification

John Calderwood is mistaken about there having been no U.S. occupation of part of Germany after World War I (Letters to the Editor, April *Atlantic*), and James Fallows conceded this point too readily in his reply. The United States occupied part of the left (west) bank of the Rhine while the Treaty of Versailles was being negotiated. One of the officers involved was General Douglas MacArthur, who entered Germany with a brigade on December 1, 1918, and set up his headquarters at Sinzig, some twenty-five miles south of Bonn. After passing in review before General Pershing at Remagen (near the famous bridge the GIs crossed in 1945), the U.S. troops began departing for home in early April of 1919.

*Webster G. Tarpley
Gaithersburg, Md.*

Reader John Calderwood is incorrect in questioning—and James Fallows too hasty in disavowing—the occupation of Germany by American doughboys after World War I. The United States contributed a significant number of doughboys to occupation duty as part of the demilitarization of the Rhineland. The American Army of Occupation was established on July 3, 1919, and headquartered in Coblenz. The United States maintained 250,000 soldiers there for six months. Thereafter the U.S. presence in the region averaged 15,000 until the AMAROC was abolished, on January 1, 1923. "Records of the American Forces in Germany, 1918–23" are filed in Record Group 120.11 by the National Archives and Records Administration. An "Army of Occupation" campaign medal was struck and issued.

*T. J. Moyseowicz
Brussels, Belgium*

John Ashcroft

Jeffrey Rosen's interesting and counterintuitive thesis in "John Ashcroft's Permanent Campaign" (April *Atlantic*)—that the Attorney General has mostly avoided pandering to the forces of social conservatism, following instead the path of political pragmatism—is flatly contradicted by one example to which Rosen gives only the briefest attention: gun control. Rosen says only that Ashcroft prompted "a brief controversy" in a letter he wrote to the National Rifle Association in May of 2001, embracing an individualist interpretation of the Second Amendment. Yet, Rosen says, Ashcroft "continued to enforce federal gun laws." The first is arguably false, the second demonstrably so.

The letter to which Rosen refers was a startling document, because it represented an about-face in Justice Department policy pertaining to the meaning of the Second Amendment—a policy that extended back at least to the Eisenhower Administration—and articulated this abrupt policy change through an informal political communication to a partisan interest group. The position of every past administration, whether Republican or Democratic, on the meaning of the Second Amendment was the same: that the right to bear arms, in the words of Ronald Reagan's solicitor general, Charles Fried, "guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to ... a well-regulated militia.'" Ashcroft's individualist view sought for the first time to create a new right to bear arms detached from militia service. This view has been the NRA's constitutional mantra for decades.

Far from retreating from the view expressed in this letter, Ashcroft moved aggressively to implement it, bypassing the vetting process normally followed for Justice Department policy changes. In a subsequent memo sent to all ninety-three U.S. attorneys in November of 2001, Ashcroft directed that the individualist view be adopted as law. In May of 2002 Solicitor General Theodore Olson filed briefs in two cases appealed to the Supreme Court in which he asserted that in the government's eyes, the Second Amendment "broadly protects the rights

of individuals ... to possess and bear their own firearms" aside and apart from military service or training. In neither case did the Court take up the matter of this new interpretation of the Second Amendment, although it has endorsed the militia view in four cases—as have lower federal courts in nearly fifty instances. Ashcroft's individualist view continues to be the official view of the Justice Department.

Further, Ashcroft has impeded law enforcement in another area, of greater significance—gun background checks. In June of 2001 he announced a plan to destroy gun-check records after only one day instead of ninety days—a top NRA priority, advanced at the very start of the Bush Administration. Strenuous congressional objections and legal action tied the matter up until January of this year, when an announcement slipped into an omnibus appropriations bill codified the twenty-four-hour rule. (One can only assume that the Bush Administration approved the change.) Worse, beginning in October of 2001 the Justice Department refused to allow the FBI to examine the National Instant Criminal Background Check System (NICS) audit log to learn if potential terrorists had tried to buy guns. Before Ashcroft's decision a September 16 request for data on 186 terrorist suspects turned up two "hits" in the NICS data. A check of Alcohol, Tobacco, and Firearms data found that thirty-four crime-connected guns had been purchased by individuals detained in post-9/11 investigations. Despite the zealotry of Justice investigations infringing on other civil liberties, Ashcroft defended this anomalously narrow view pertaining to gun-purchase records (an interpretation contradicted by his own department's previous practices).

However one might assess these decisions and actions of Ashcroft's, they have nothing to do with the picture of political pragmatism painted by Rosen, and everything to do with obeisance to a right-wing extremist group whose views are squarely at odds with sensible law enforcement, not to mention with the views of most Americans.

*Robert J. Spitzer
Distinguished Service Professor of
Political Science, SUNY
Cortland, N.Y.*

Jeffrey Rosen replies:

As a constitutional matter, Ashcroft's individualistic view of the Second Amendment is not limited to a "right-wing extremist group" but has been endorsed by some liberal and moderate legal scholars as well. Moreover, protecting the rights of gun owners is less of a priority for social conservatives than it is for the libertarians who have otherwise opposed Ashcroft's expansion of the national-security state. Therefore Ashcroft's support of gun rights, whatever its constitutional merits, cannot be dismissed as an effort to pander to his social-conservative base.

Don Quixote

Terry Castle writes, "No contemporary North American reader of *Don Quixote* can fail to be struck by its surprisingly sympathetic evocation of the world of Islam," and then puts in evidence the sympathetically told tale of Ricote the Morisco. Inconveniently for her case, however, Ricote is a Catholic. The term "Morisco" usually if not invariably refers to Moorish converts to Catholicism

rather than to Muslim Moors in Spain. In any case, Ricote's daughter says of him (in Part Two, Chapter LXIII) that he is "a sensible man and a Christian as well" (Samuel Putnam translation). Of herself she says that she is "not one of those pretended or seeming converts but a true believer of the Catholic faith." As for the expulsion of the Moriscos, to which Castle alludes, Ricote says that he and his daughter "in no way sympathize with the plottings of our people, who have justly been sent into banishment."

What I find in *Don Quixote*—rather than the sympathy Castle finds—is the anti-Muslim equivalent of genteel anti-Semitism. Although Cervantes's masterpiece occasionally provides glimpses of cordiality across the Muslim-Christian divide, it far more frequently offers the sort of casually disparaging comment that Ricote's daughter makes of the Turks in the same chapter: "among those barbarous Turks a handsome boy or youth is more highly esteemed than the most beautiful woman." In historical context Cervantes's comments may be

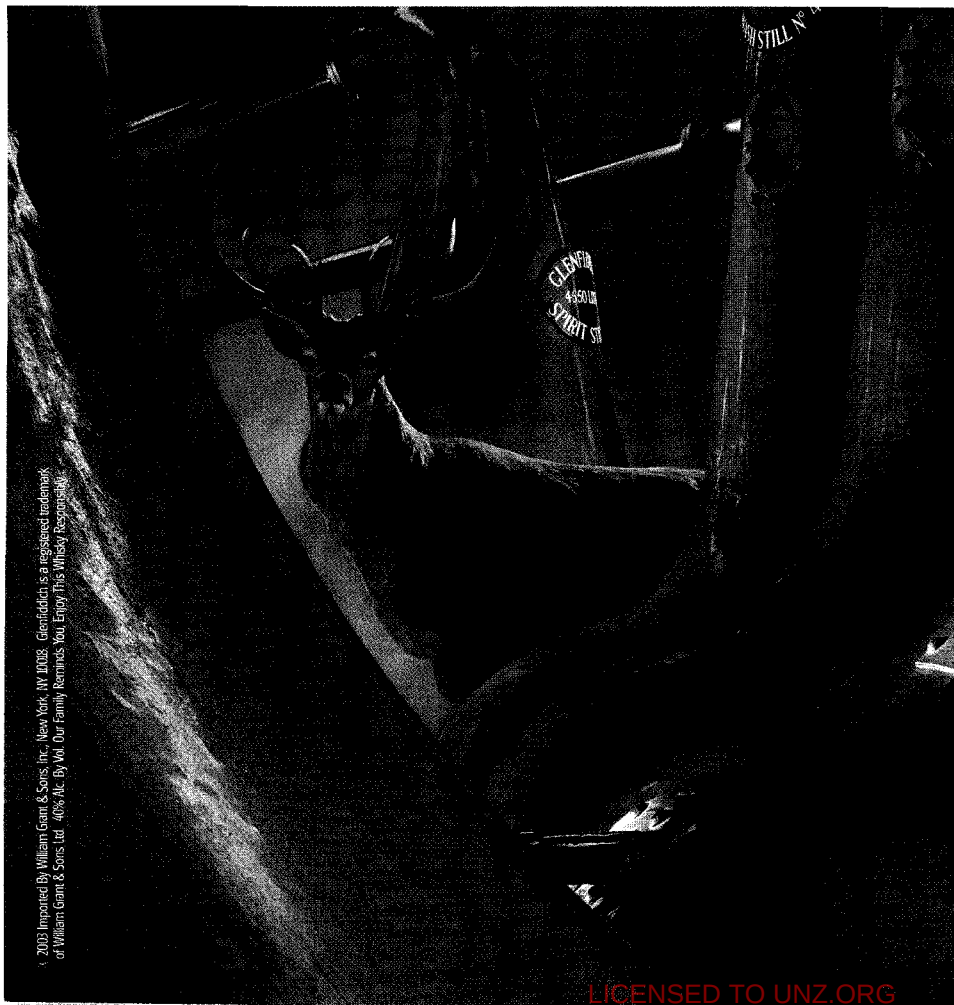
excused. One may even discern a writer who descended to the kind of pro forma prejudice that his readers expected without actually feeling that prejudice himself. Speaking not for all of North America but only for myself, however, I find this no great cause for celebration.

Jack Miles

Los Angeles, Calif.

Terry Castle replies:

The meaning of the Ricote episode—and, indeed, of the word "Morisco"—are matters on which intelligent readers of Don Quixote may disagree. (For what it's worth, Edith Grossman defines "Morisco" as "a person of Muslim descent, living in territory controlled by Christians, who had ostensibly, and often forcibly, been converted to Christianity.") True enough: Ricote says that his wife and daughter are "Catholic Christians" and that "though I'm less of one, I'm still more Christian than Moor." But his profession of faith remains a half-hearted and ambiguous one. Cervantes may not have meant us to take it entirely seriously: after all, following the establishment of the



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Spanish Inquisition in 1478 by Pope Sixtus IV, any non-Catholic person living in Spain—whether Jew, Moor, or Protestant—could be burned at the stake as a heretic. (Confronted by Torquemada or his heirs, who wouldn't claim to be more Christian than Moor?) But even if Ricote is speaking the truth here, the compassionate portrayal of his plight remains unusual and moving: Christian or not, he has had to disguise himself (on pain of death) as a "German pilgrim" simply to re-enter Spain safely, and Sancho, for one, is shocked and frightened to see him: "Why did you risk coming back to Spain? It'll be very dangerous for you if they catch you and recognize you." As Grossman notes, the years 1609 to 1613—the very period in which the second part of Don Quixote (containing the Ricote episode) was written—saw a pronounced rise in anti-Moorish sentiment across Spain: the Moriscos were regularly accused of continuing to practice Islam in secret and of having a "pernicious" influence on Spanish society. Sancho's good fellowship—which in my view suggests something more than "the anti-Muslim equivalent of genteel anti-Semitism" in Cervantes himself—seems all the more precious under the circumstances.

The Hollow Army

James Fallows writes in "The Hollow Army" (*March Atlantic*) that many members of the Reserves and National Guard "signed up with the understanding that they would be 'weekend warriors.'" That is simply incorrect. In my twenty-two years of military service, seventeen years were on inactive duty with the Air Force Reserve and the Air National Guard. Everyone understands that they can be called up at any time. In fact, the whole purpose and focus of our training was to be ready for call-up. It's not called the "ready reserve" for nothing.

Kenton B. Creuser
Blue Ridge, Ga.

James Fallows replies:

As Kenton Creuser points out, members of the Reserves and the National Guard have always known that they could be called up at any time. But before 9/11 year-long mobilizations for foreign duty were rare. Members of the Reserves and the Guard now make up some 40 percent of the Amer-

ican military presence in Iraq. It is no slight to their service, sacrifice, or status as warriors to say that this is different from what many of them expected when they signed up.

State of the Union

Francis Fukuyama's "Nation-Building 101" was a very lucid breakdown of what the United States needs to do in order to more efficiently help failed states in which it intervenes.

However, I disagree with his assertion that such an effort needs to be under "clear civilian control" as it proceeds. Any attempt to rebuild a shattered society requires one ingredient more than anything else: physical security. In the chaotic environments that will most likely prevail over the short and medium term in these failed states, physical security is something only the armed forces can provide. Attaching a reconstruction department to the Pentagon would be the best way of ensuring this very basic point. Many of the organizational problems in Iraq seem to be a result less of the Pentagon's running the show than of a bureaucratic war, fought until almost the last minute, for control of the reconstruction phase.

Although control of the office would be exercised through the Pentagon by the Secretary of Defense, the actual membership of the Office of Reconstruction should be overwhelmingly civilian. It should in many respects be similar to the Army Corps of Engineers, which has (according to its Web site) approximately 650 military and 34,000 civilian members. This would be proper because it is civil societies that we attempt to rebuild, and most of the necessary expertise resides outside the military sphere.

Certain other benefits would flow from concentrating reconstruction affairs under the Department of Defense. Relative to the other branches of government, the armed forces seem to place a good bit of emphasis on historical precedent and "lessons learned." To the extent that an institutional memory needs to be developed and refined as new situations arise, the Pentagon seems better prepared than others to do so. In addition, the military also seems more willing than

other branches to innovate or transform the way it approaches a situation. This kind of flexibility would serve it well in adapting to the constantly changing situation on the ground in a failed state. Those who are taught to deal with the "fog of war" would seem to be the best prepared to deal with the "fog of peace."

Michael Midura
Forest Hills, N.Y.

Francis Fukuyama replies:

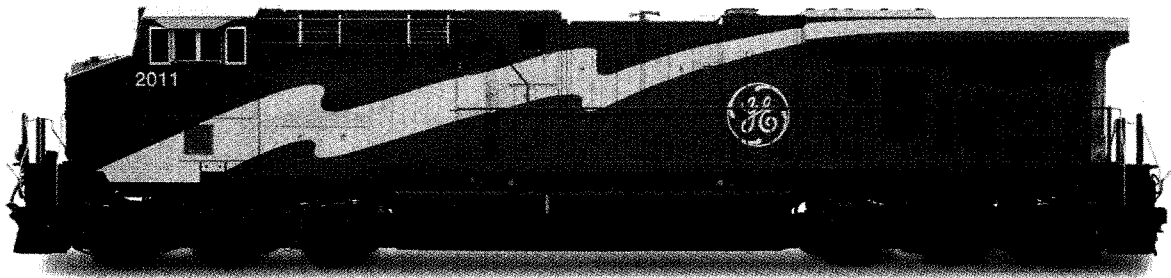
A permanent Office of Reconstruction could be located in a number of places in the U.S. government, including the Pentagon, and there is a certain case to be made for locating it there, given the importance of security during the initial phases of a reconstruction effort. When I spoke of the need for civilian control, however, I was thinking more about the second phase of nation-building: when the occupation authority is trying to find an exit strategy and turn over control to local political actors. The timing, nature, and scale of this transition must ultimately be determined by the President, not the Secretary of Defense, because only the President is in a position to appraise and balance the various national interests involved.

This is more than an abstract question. Our current Secretary of Defense, Donald Rumsfeld, has long been an opponent of nation-building, and much of the Pentagon's behavior before and after the Iraq War can be explained by his reluctance to involve U.S. forces in a prolonged occupation. Unfortunately, judging from past nation-building exercises, long occupations are necessary if the United States is to leave behind durable institutions of any sort. Hence it is very appropriate that Jerry Bremer, the head of the Coalition Provisional Authority, now tends to bypass Rumsfeld, his nominal boss, and report directly to the White House in formulating strategy on the timing and nature of elections, the nature of the new Iraqi constitution, and other issues.

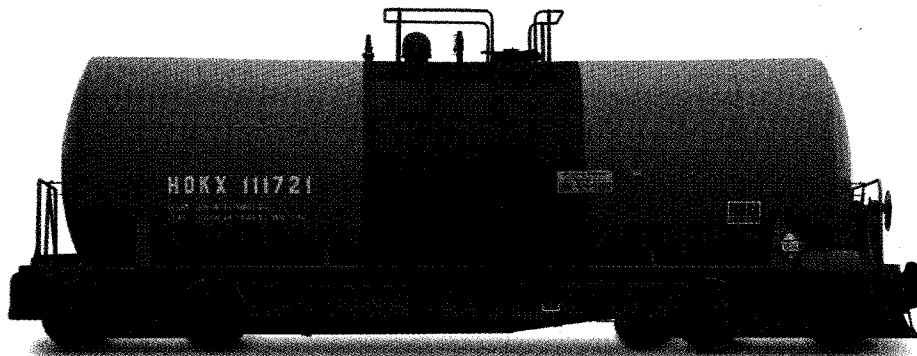
"The Tuition Crunch" invites the following questions:

Where is it written that simply because a degree from a four-year college garners 75 percent more average real income than a high school diploma (the qualities of the individuals involved apparently being irrelevant), all high school graduates are entitled to one?

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Where is the information about how many graduates are needed to support the economy—that is, what might be the (affordable) balance between high school, undergraduate, and postgraduate education in twenty-first-century America?

What should be said—and what should be done—about the appalling decline in basic education that requires as many as half of university freshmen to enroll in remedial math and English?

What is the average actual—as opposed to nominal—tuition paid by students at public colleges and universities, and how much has it increased?

Why, exactly, should society at large pay for somebody to increase his or her earning potential by 75 percent?

Isn't it obvious that the number of high school graduates is greater than the number of jobs requiring college-degree skills?

Andrew Allison
Carmel, Calif.

Jennifer Washburn replies:

Andrew Allison's comment that expanding access to higher education will only result in an oversupply of college graduates and an undersupply of high-skilled jobs is, I believe, misguided. The percentage of the U.S. graduation-age population awarded bachelor's degrees in 1999 (the latest year for which statistics are available) is comparable to the percentage in the United Kingdom and Canada. We award far fewer graduate degrees in the sciences as a percentage of total graduate degrees (13.7) than Japan (42.4), Germany (38.9), or the Czech Republic (21.3) does.

Most of America's competitors in the industrialized world recognize the value of investing in a highly educated work force—and for good reason. College graduates fuel our nation's creativity and industrial ingenuity by starting new businesses and opening up entirely new industrial sectors that tend to expand opportunities for people with advanced skills. (Consider the rise of the Internet and biotechnology, for example.) Society as a whole benefits enormously from having a world-class higher-education system and an educated work force that is capable of realizing its full potential, neither of which would exist absent a large public subsidy.

Unless we continue to appreciate the role

that higher education plays in driving our intellectual ingenuity and creativity and sustaining our technological leadership in the global marketplace, it is unclear whether many high-paying jobs will be left in America, no matter what the required skill or education level.

Most of the table "What Our Children Might Do for a Living ..." in Michael Lind's "Are We Still a Middle-Class Nation?" looks valid, with an assortment of starvation-wage jobs waiting for the American worker of tomorrow. But the entry for "Computer software engineer, applications," at the highest wage in the table and with a projected +380,000 jobs available this decade, ignores three trends.

1) Though no one has been hiring computer programmers for the past three years, and tens if not hundreds of thousands of U.S. programmers are out of work, the 2004 quota for H1B tech-worker visas is still 65,000, and there is no limit to the number of L1 visas that can be had by both U.S. and foreign companies working in the United States; 58,000 were given out last year. That's about 120,000 cheap imported programmers a year. We can thank great public relations from the shortsighted U.S. tech industry, and a lazy and corrupt Congress, for this sad state of affairs.

2) Tens if not hundreds of thousands of U.S. programming jobs are being sent offshore every year, to India and elsewhere. This knowledge transfer was initiated by the enormous number of cheap programmers imported over the past ten years, and is being kicked into high gear by IBM, Sun, Oracle, and Microsoft, among others. Not only does IBM transfer its own U.S. jobs overseas, but it is doing booming business helping other American companies ship their jobs overseas. Once these jobs are gone, they're gone for good.

3) Americans are still being encouraged to climb the "skill ladder" to stay ahead of the forces of job globalization that send anything not nailed to a physical location overseas to the lowest bidder. But just as there's a bandwagon sending manufacturing jobs to China, there's another one sending highly skilled tech jobs overseas. You can get

a Ph.D. in a technical field and it won't save you, so long as there's an English-speaking Ph.D. overseas who will work for a third or a fourth as much.

Of course, this all works out just fine for the five percent of the U.S. public that lives off capital, tax breaks, and the returns of stateless corporations with no stake in the future or interest in cushioning the effects of globalization. And it works out just fine for the Republicans who run the government: a world where five percent of the public does well, and the rest can fend for themselves in squalid shantytowns, is pretty much their vision of the perfect world.

I'm an independent contractor, so I don't get unemployment insurance. I haven't been able to find work for a few years, and my life savings are nearly gone. Though this experience has made me feel like killing something, I'm too old to join the Marines. I'd like to sign up for one of President Bush's promised job-retraining programs, but I'm worried that whatever field I choose will be shipped overseas before I'm finished with the program.

Since all the unskilled jobs have been taken by illegal immigrants without a friendly visa program, I'll have to get something semi-skilled. With my computer skills, you'd think I'd be able to figure out how to work a cash register. I hope so, because Burger King, here I come!

*Kurt Strahm
Brooklyn, N.Y.*

Michael Lind replies:

Kurt Strahm's point is valid and important, even though it is somewhat tangential to my argument that with or without outsourcing, the long-term trend is toward the growth of jobs in the nontraded domestic service sector.

Advice & Consent

I wish to take issue with Robert D. Kaplan's depiction of the potential threat to Mongolian and Central Asian stability posed by the Uighur separatists in Xinjiang ("The Man Who Would Be Khan," March *Atlantic*). It is perhaps a minor detail in an otherwise fascinating article, but I feel obliged to question what sense there is in mentioning Uighur separatists in the same breath



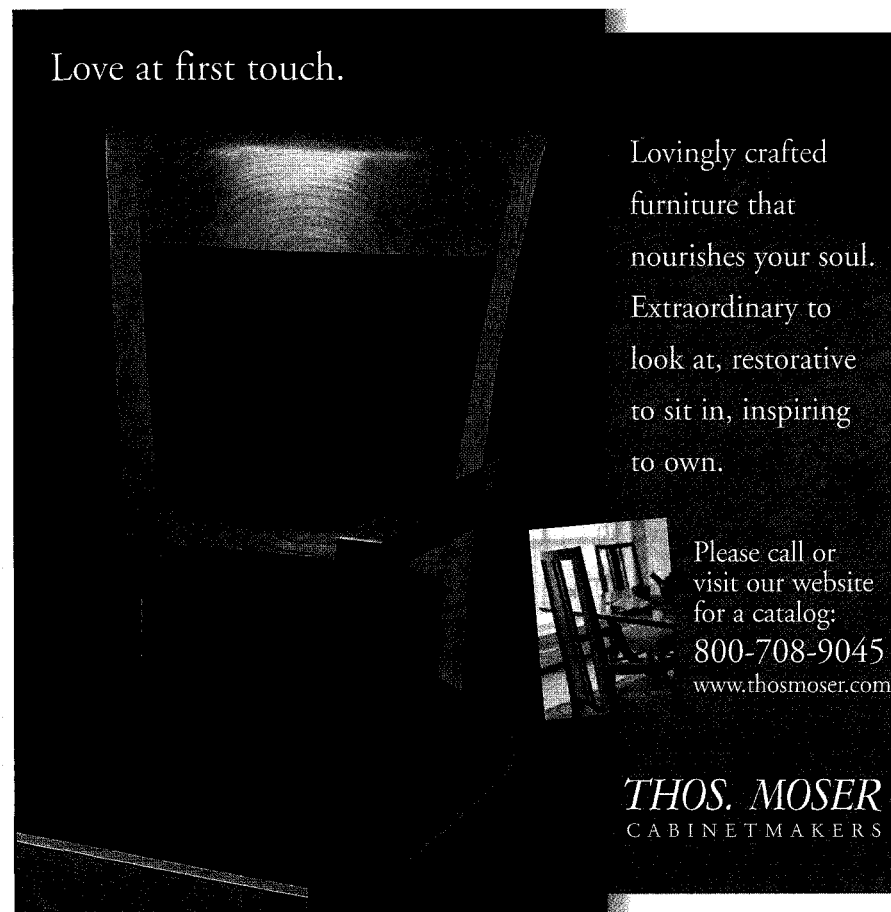
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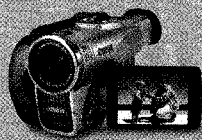


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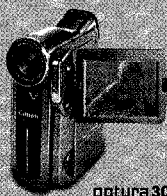
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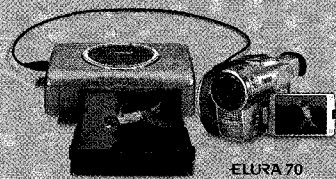
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with Chechen separatists and transnational terrorism.

I have spent the past three years working and traveling in western China, and in my experience the concern of most Uighurs lies in their own particular struggle against the Chinese state and not in the broader agenda of international Islamist movements. Although acts of violence against the Chinese state have occurred sporadically over the past decade, the spark is to be found in political tensions stemming from the Chinese suppression of Uighur culture and civil rights. Islam in Xinjiang is a moderate mixture of Sufic traditions and pre-Islamic Uighur culture that has little affinity for the strict and intolerant religious precepts of Wahhabism or the Taliban. Moreover, Uighurs in general have a very favorable impression of the United States, because America is seen to be one of the few nations willing to stand up for the rights of minority nationalities in China.

The thought of a terrorist march across Mongolia being "spearheaded" by Uighur separatists is extremely far-fetched—unless, of course, Kaplan believes everything he hears from the Chinese government. The PRC has gotten great political mileage out of the war on terrorism and the convenient threat of Uighur terrorism, using it as a pretext for clamping down on human rights across Xinjiang. Kaplan is right on, though, in pointing out that poorly thought-out frontier policies on the part of the PRC will be the largest source of instability in the region.

Max Oidtmann
Lebanon, N.H.

The otherwise estimable Mark Steyn makes a glaring error in his piece "The Imperfect Spy" (March *Atlantic*) by naming Roger Hollis as "possibly a fifth [man]" in the infamous Cambridge spy ring, after Guy Burgess, Donald Maclean, Kim Philby, and Anthony Blunt. In the 1980s Hollis was wrongly accused by Peter Wright in the book *Spycatcher*. In 1990 Christopher Andrew, of Corpus Christi College Cambridge, in *KGB: The Inside Story* (co-written with the former KGB colonel Oleg Gordievsky), finally identified the Fifth

Man as John Cairncross. Cairncross admitted his role before his recent death, and Andrew has gone on to become the world's leading intelligence scholar.

I attribute Steyn's mistake to the fact that quality journals have stubbornly refused to address seriously the revelations in the KGB archives (briefly opened after the collapse of the Soviet Union) and have completely ignored the declassification of the Venona files by the NSA and the CIA in 1995.

Venona—hundreds of thousands of messages between Soviet agents and agents of influence in Moscow and America from 1942 to the early 1960s, intercepted by U.S. cryptologists—is the single greatest source of accurate Cold War information. It answers some of the most divisive questions in the recent political history of the United States—for example, by naming Alger Hiss, Julius Rosenberg, Harry Dexter White, Laurence Duggan, and others as Soviet agents. As even the illustrious Arthur Schlesinger Jr. so aptly put it, "McCarthy was right."

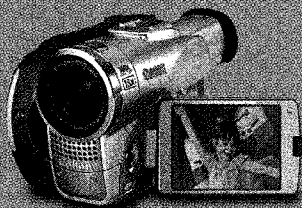
Bernie Reeves
Raleigh, N.C.

Mark Bowden's "When the Front Page Meets the Big Screen" (March *Atlantic*) takes issue with the ways in which Hollywood movies treat journalists. But what's truly strange about the piece is the way Bowden himself treats screenwriters. They seem not to exist.

The article spends considerable time speaking of *All the President's Men*—whose Academy Award-winning screenwriter, William Goldman, is here nowhere to be found. It segues to *Absence of Malice*, referred to as "Sydney Pollack's great 1981 film"—as if Kurt Luedtke, who wrote it, and earned an Oscar nomination for that work, was somehow rendered superfluous (and invisible) once the director came on board. Bowden then considers *Shattered Glass*—eliding Billy Ray, who wrote it.

All told, some thirty-odd films are mentioned in Bowden's piece. Many have stars, some have directors, others have source material—but none of them, apparently, possesses a writer.

Howard A. Rodman
University of Southern California
Los Angeles, Calif.



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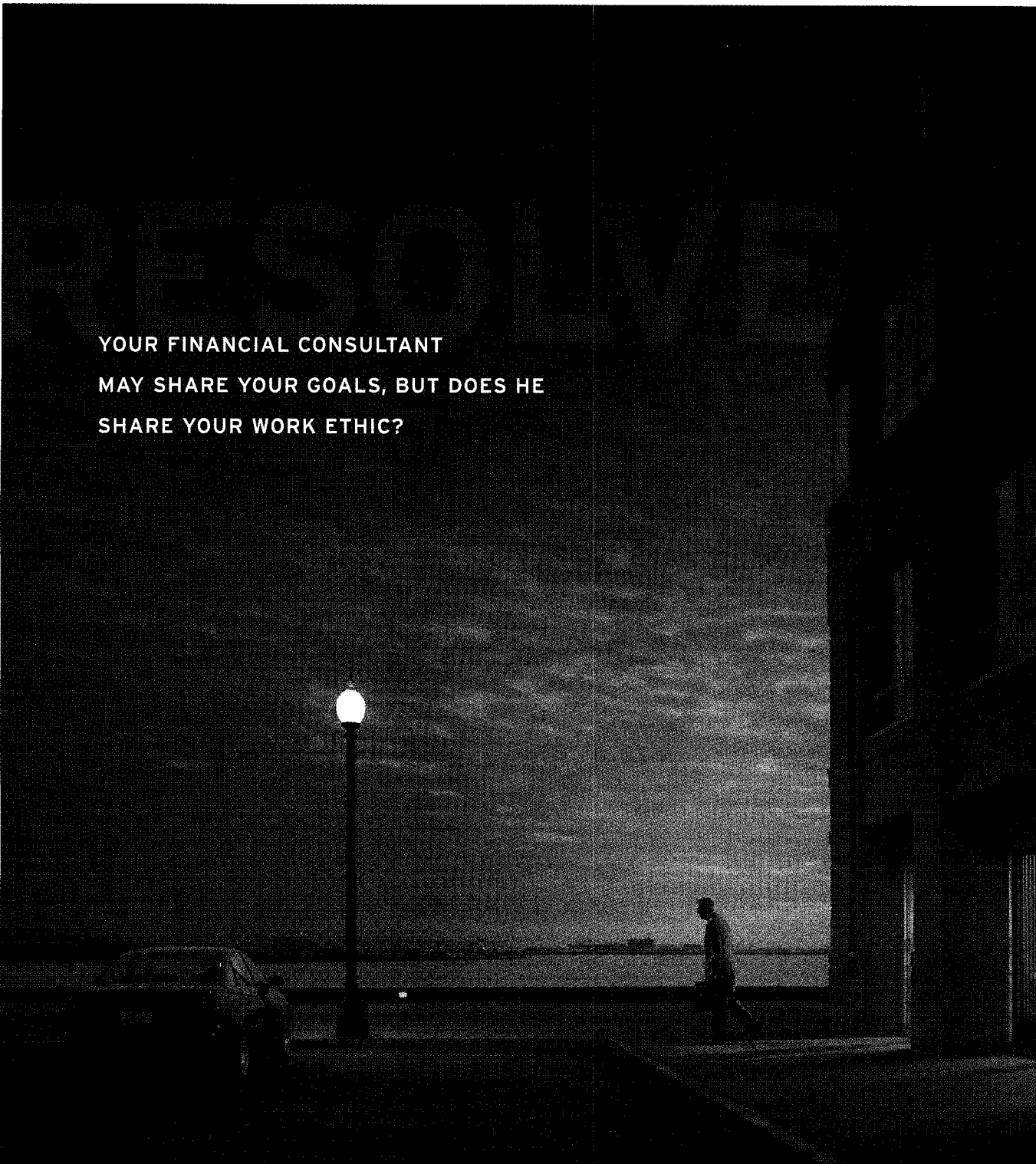


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THE AGENDA

THIS MONTH, *Bush's homelessness czar; Pakistan's suicide bombers; Howard Stern's political sway*

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Seven cardiologists weigh in on the question of Dick Cheney's health. PAGE 40

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The "shock jock" Howard Stern has declared "radio jihad" on the President's re-election campaign. PAGE 46

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Queen Juliana exemplified a line of monarchs who "aren't crowned but, rather, sworn in with less ceremony than a New Hampshire town clerk." PAGE 48

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THE WORLD IN NUMBERS

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DAWN OF THE DADDY STATE

If terrorism has made a global trend toward greater state power inevitable, then it's important to get authoritarianism right. Here's how

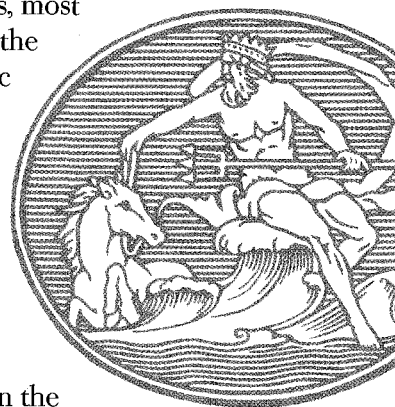
BY PAUL STAROBIN

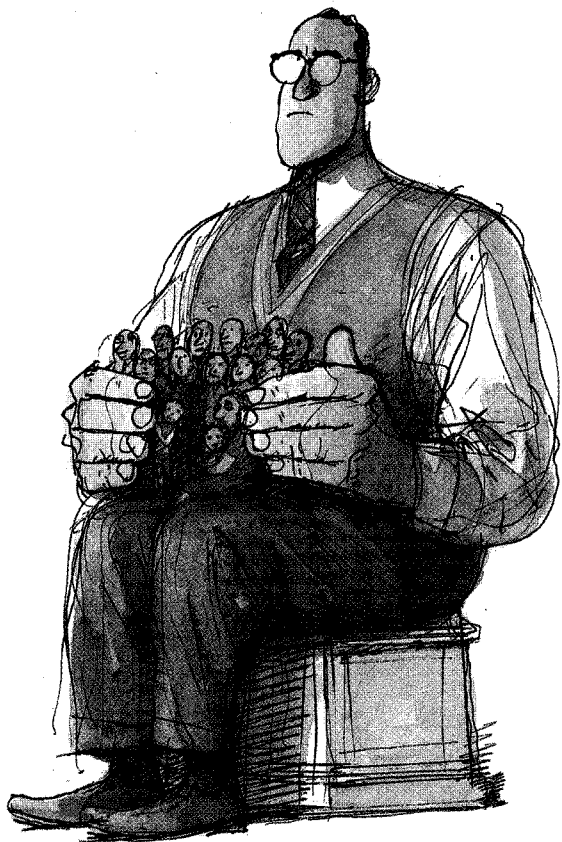
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Last fall, on the occasion of the twentieth anniversary of the National Endowment for Democracy, a federally funded agency chartered to spread liberty around the world, President George W. Bush delivered a speech holding out some "essential principles" as "common to every successful society in every culture." The first of these, the President declared, is that "successful societies limit the power of the state and the power of the military so that governments respond to the will of the people and not the will of the elite." That was what America had learned in its 200-year "journey" on the road to perfecting its democracy, Bush observed, by way of encouraging less mature works in progress—namely, post-Taliban Afghanistan and post-Saddam Iraq—to follow this tried and true path.

The rhetoric may seem unexceptionable. But in the context of our age—an age in which certain dark forces, most prominently terrorism, confront the state with the elemental task of maintaining security and civic order—the principles Bush named are not just irrelevant but almost precisely the opposite of the ones we should be dedicating ourselves to. Leaving aside the question of military power, the necessary response to terrorism is not to limit the power of the state but, rather, to bolster it, so as to preserve the basic order without which the defenseless citizen has no prospect of enjoying the splendors of liberty. In the wake of Madrid, in the wake of 9/11, in the wake of suicide bombings in Moscow subway stations and Jerusalem cafés, the state is impelled to become even more intrusive and muscular than it already is. How well today's leaders meet this obligation to construct more-vigilant states is very likely to stand as one of history's most important criteria for assessing their stewardship.

An authoritarian push is often seen as coming from above, forced on an unsuspecting public by would-be autocrats. But today's global trend toward what might be called the Daddy State is propelled by the anxious demands of majority blocs of citizens. The Russians recently re-elected Vladimir Putin, a former KGB colonel, with 71 percent of the vote, handing him a mandate to continue his crackdown on Chechen terrorists. The Israelis are demanding the Fence—envisioned





as a sniper-patrolled, electrified national barrier aimed at keeping out Palestinian suicide bombers. Not only do Americans broadly support Bush's Patriot Act, but women—who worry more than men do that they or someone close to them will fall victim to terrorism—tend to view the measure as not tough enough, according to a recent Gallup poll. Europeans are demanding closer policing of their rapidly growing Muslim minority, which now stands at 15 million in the EU.

In short, we are at the dawn of a popularly sanctioned movement toward greater authoritarianism in the domain of what is now fashionably called "homeland security." As Thomas Hobbes explained in his mid-seventeenth-century treatise *Leviathan* (a work that can be read as a primer on homeland security), there is no real contradiction in the idea of authoritarianism as a choice. In a proverbial state of nature, man willingly gives up some portion of his liberty to a sovereign as the only conceivable protector of his life and property. During times of relative quiet and prosperity it is easy to forget that this sort of bargain exists—but in times of danger, woe to the sovereign that neglects its duty to protect.

To say that we are at the beginning of an authoritarian age is not, of course, to end the conversation but to begin it. The challenge is to get authoritarianism right, and it's important to identify what could go wrong as we try to meet the demands of this new era. One obvious danger, fascism, already lurks at the door of Russia, a humiliated country whose color has shifted from red to brown since the collapse of the Soviet Union, in 1991. Putin is proving to be a manipulative paternalist, exploiting fears of Chechen terrorists and thuggish business oligarchs to nourish nationalist sentiment and his own cult of personality in the Kremlin.

Nor is Putin respecting the prudent boundaries of a Daddy State. There is no popular demand for an increase in state power over the market or the media—yet the Putin regime is exerting greater control in those areas, too. (All major television stations are now state-controlled.) With democratic institutions so weakly grounded in Russia, there is likely to be no check on Putin's impulses without pressure from Western governments.

America illustrates the hazards of the opposite problem: too many constraints on the Daddy State. In particular, Congress—the body positioned between the executive and the people—is proving a serious hindrance. For example, just after 9/11 alarmed legislators sensibly created a Transportation Security Agency, with broad powers to improve airport security. But since then Congress has hamstrung the agency's effort to develop a computerized profiling system that would help identify potentially dangerous passengers—in part because of pressure from airlines worried that travelers inconvenienced by "false positives" would blame them for missed flights. Such is the classic defect of legislatures, which reliably respond to the will of the majority in emergencies but afterward

tend to succumb to the predations of well-entrenched lobbies.

Homeland security in the United States probably isn't going to improve unless those responsible for formulating and administering protection policies are insulated from the legislature. That was the painful lesson taught by a wave of bombings in France and other European countries in the 1980s; after the bombings France improved its counterterrorism capabilities by endowing an elite group of Paris-based magistrates with investigative powers that far outstrip those given to John Ashcroft's Justice Department in the Patriot Act. The former White House counterterrorism chief Richard Clarke recommends establishing an elite unit modeled on MI5, the internal British Security Service, and subject to oversight by a blue-ribbon board of prominent citizens. The United States has its own model of sorts in the Federal Reserve, which is protected from congressional encroachment and is one of the nation's most effective government institutions.

For both Europe and Israel the Daddy State poses a tricky cultural challenge: to extend the bargain envisioned by Hobbes—a partial sacrifice of personal liberty in return for the state's protection—to isolated and distrusted Muslim minorities that have historically been overlooked or discriminated against. Continuing to neglect this imperative for greater civic inclusion is especially dangerous now that Muslim communities are more closely scrutinized for terrorist ties (as they must be). Shorn of the occupied territories by fortified barriers, Israel proper would still have an Arab minority of some 20 percent. Moshe Arens, Israel's hard-line former Defense Minister, has an intriguing suggestion: subject Israeli Arabs to the requirement of military service, from which all except Druze Arabs are currently exempt. If any institution in Israeli society can instill in the Arab minority a sense of belonging, it is the military, which is not only Israel's chief cultural melting pot but also a prime

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The French government is trying to promote cultural integration—and to prove itself a caring paternalist—by banning Muslim girls from wearing headscarves in public schools, on the principle that many girls are being forced to do so by religious radicals. But such policies risk being seen as discriminatory. Compulsory civic education would offer a better avenue for acculturating Muslims living in ghettos on the outskirts of metropolises such as Paris, London, and Madrid. Britain has made a good start by insisting that immigrants attend citizenship classes and pass an English-language test as a condition of receiving a passport—a tough-love sort of idea that is a limited, reasonable invasion of personal autonomy.

Although “Leviathan” denotes a scary sea monster, Hobbes himself was in fact one of the modernizing West’s great early humanists. His central aim was to find a formula for ending the civil wars, inflamed by religious passions, that were consuming the England of his time. Today’s Islamic *ihadis* now threaten something like a global civil war, as opposed to a conventional war between states; their transnational armies occupy stealth bases on every continent except Antarctica. Were he alive today, Hobbes might argue not for a planet of Daddy States but for a Daddy Planet—a single Leviathan, or World Sovereign, to which all of us would be made to submit, for our own security. At the very least a modern Hobbesian would be likely to favor the establishment of an EU-wide antiterrorism czar—a step that jealous guardians of national sovereignty have been resisting.

Life in a Daddy State global order promises to be a somewhat mixed affair. Life will be best for majority groups in well-fortified but not overly heavy-handed Daddy States. As ever, life will be rough for anyone under the boot-heel of an unconstrained autocrat. But

perhaps the most terrible fate awaits those trapped in the primeval chaos, without any sort of state protection. That condition of extreme vulnerability is borne by, for instance, Palestinians living in the Israeli-occupied West Bank and Gaza Strip. And should state-building fail in Afghanistan and Iraq, their peoples, too, will inhabit this sort of limbo, in which, as Hobbes

memorably wrote, “there is no place for Industry ... no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.” ■

Paul Starobin is a contributing editor of The Atlantic and a staff correspondent for National Journal. He recently completed a four-year stint as the Moscow bureau chief for BusinessWeek.

THE ABOLITIONIST

Bush’s homelessness czar has some new ideas. Will liberals listen?

With his dark tailored suits and his silver banker’s coif, Philip Mangano looks like a liberal Democrat’s idea of a conservative Republican’s idea of an advocate for the poor—which, as the Bush Administration’s homelessness czar, he happens to be. It is difficult to imagine Mangano fasting on the Capitol steps in a ratty Army-surplus jacket, as the late activist for the homeless Mitch Snyder once did, much less winning over the bleeding hearts in the nonprofit world by promising to apply the President’s governing philosophy to their cause. But the latter is precisely what he does. “Any investment we make will be research-and-data-driven, performance-based, and results-oriented,” I heard him declare on a cold March morning in New York City, to a gathering of social workers and housing advocates. It is something he has said again and again.

Mangano’s message is as pure an example as can be found in government of “compassionate conservatism,” which argues that traditionally liberal social concerns can be advanced through such conservative principles as responsibility and accountability. Though this was the centerpiece of George W. Bush’s 2000 presidential campaign, the “compassion agenda” heralded in the President’s inaugural address seemed to dissolve in the face of partisanship, underfunding,

and an all-consuming foreign policy. What was once a unifying theme is now likely to be invoked by his rival as evidence of Bush’s hollowness. “What good is it, my brothers, if a man claims to have faith, but has no deeds?” John Kerry recently asked an audience in

Jackson, Mississippi, quoting from the Book of James.

Mangano is nevertheless making a compelling case for compassionate conservatism in an unlikely field.

Widespread street homelessness is a relatively recent problem, at least in the modern era. It began to appear in the late 1970s, when the economy tanked, affordable housing began to disappear, and state hospitals, prodded by patients’-rights activists, released hundreds of thousands of the mentally ill into communities unprepared to receive them. Temporary shelters sprang up in church basements and neighborhood centers to address what was expected to be a short-term crisis. But the problem of homelessness persisted, and improvised measures became entrenched. After years of government neglect the Clinton Administration finally responded by tripling funding for programs to help the homeless and encouraging local organizations to offer a wide range of services, from counseling to health care. But, incredibly, the numbers of the homeless only increased. Today a patchwork of federal,

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ELECTRONIC REPRODUCTION PROHIBITED

state, city, and private money supports more than 40,000 programs—some cheap, others expensive; some staggeringly successful, others struggling; each with its own agenda; and few accountable for the work they perform. “We’re trying to disrupt this ad hoc approach,” Mangano says. “We’re saying it needs to be strategic.”

Homelessness is one of the few corners of public policy in which traditional liberal ideas have gone largely unchallenged. But Mangano believes that many professional activists, though well intentioned, have given up on ending homelessness. They have accepted the problem as intractable and fallen back on social work and handouts as a way to make broken lives more bearable. In doing so, he says, they have allowed “a certain amount of institutionalism” to take root. The Bush Administration proposes to solve the problem by beginning with the hardest cases: the 10 percent who are severe addicts or mentally ill, and consume half of all resources devoted to homeless shelters. Mangano believes that by moving these chronic cases into “supportive housing”—a private room or apartment where they would receive support services and psychotropic medications—the government could actually save money, and free up tens of thousands of shelter beds. The Bush Administration, spotting an opportunity to increase the return on its investment, is seeking to end chronic homelessness within ten years. Not only is this possible, Mangano insists, but it is common sense.

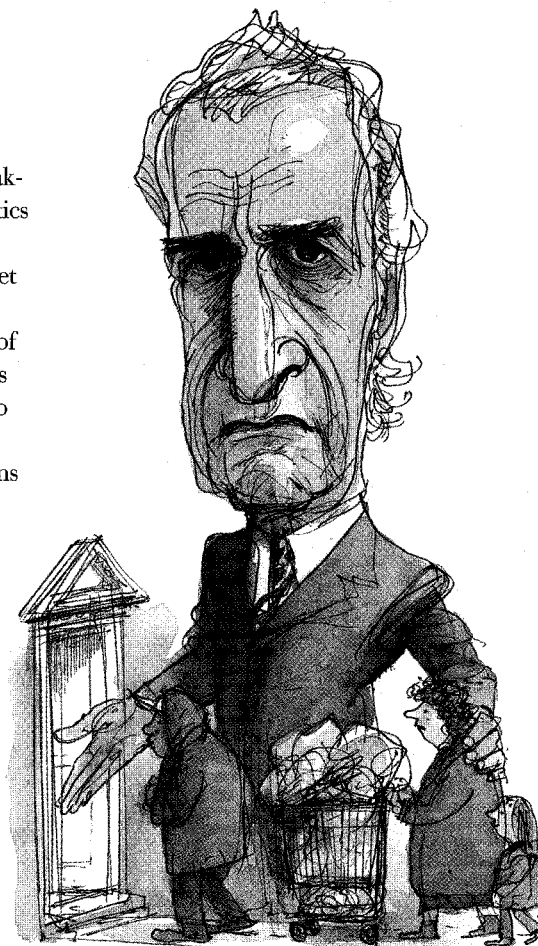
Mangano’s forthright presence has divided a close-knit community. Perhaps not surprisingly, supportive-housing advocates and those who work with addicts and the mentally ill tend to be enthusiastic about his ideas. Outreach workers and emergency-shelter managers are divided. “There are people threatened ideologically and financially by this sort of change,” explains Dennis Culhane, a professor of social-welfare policy at the University of Pennsylvania. “Absent new resources, shifting resources to permanent housing will take resources away from shelters.”

Once Mangano had finished speaking on that March morning, the skeptics started probing for clues that he was providing intellectual cover for budget cuts, or cooking up a plot to get the smelly, crazy, drunken homeless out of sight and then ignore the rest. But his energetic sincerity disarmed them—to their evident dismay, in some cases. In desperation one brought up weapons of mass destruction, and Mangano rolled his eyes. “It’s so refreshing to be back in New York, surrounded by Democrats,” he cracked.

Mangano began his life as an advocate over a bag of popcorn. He was living in Los Angeles, working as an agent and managing members of Peter, Paul, and Mary and Buffalo Springfield, when the Franco Zeffirelli film *Brother Son, Sister Moon*, about Saint Francis of Assisi, prompted him to change his life. “[Saint Francis] fell sick, and during his sickness he had a spiritual experience,” Mangano says. “He decided he wanted to live his life in a different way. He wanted to be in companionship with the poor.” A few months later, on a flight from Los Angeles to Boston, Mangano resolved to do the same and “try and live out this Franciscan path.”

He quit his job on the feast day of Saint Francis in 1980, and by the end of the following year was volunteering full time at the breadline at St. Anthony’s Shrine in Boston. Over the next twenty years he became a well-known advocate, ultimately running the Massachusetts Housing and Shelter Alliance and collaborating with the National Alliance to End Homelessness, an organization chaired by Susan Baker (the wife of former Secretary of State James Baker), who helped sell the Bush Administration first on the idea of attacking chronic homelessness and then on Mangano as the man to lead the effort.

In conversation Mangano free-associates through the work of Einstein and Schopenhauer, Toynbee and Mal-



colm X, drawing lessons from each for the fight against homelessness. He is surely the only Bush official who carries a picture of the radical—and French—philosopher Simone Weil in his pocket. Above all, Mangano says, he takes inspiration from the abolitionists, whose precedent he often cites. “We had accommodated a social wrong in this country,” he argues, stressing that do-gooders had sought to improve slaves’ lives but failed to challenge the institution of slavery. “One could say that in 1859 the abolitionist cause was at its nadir. And yet six years later slavery was abolished.”

Mangano believes that the breakthrough in the battle to abolish homelessness occurred only in the past five years, after Dennis Culhane determined that about one percent of the nation’s urban population was homeless each year—more than anyone expected. Culhane studied this group and discovered that most were homeless for less than two months, but a hard-core minority—about 10 percent—stayed in shelters about two years, on average. “The

emergency-shelter system," Culhane explained, "designed as a safety net, was serving as an expensive form of permanent housing." He measured just how much the chronic cases cost by tracking 10,000 mentally ill homeless people in New York, 5,000 of whom were placed in supportive housing and 5,000 of whom remained in shelters or on the street. It turned out that the first group cost the city no more, and probably less, than the second. A wave of similar studies reinforced his findings.

This hard-numbers approach amounted to a radical shift for advo-

with city officials who were preparing to release their plan to battle homelessness, and to visit two programs that Mangano was eager to replicate elsewhere. We piled into a white cargo van and headed to East Harlem, where Pathways to Housing manages close to 500 apartments for the mentally ill. Its founder and executive director, Sam Tsemberis, is a man after Mangano's heart. When we arrived, he distributed copies of a new study in the *American Journal of Public Health* that tracks Pathways's performance. "Every program can bring forward people whose lives they saved," he

from the Section 8 rent-assistance program in 2005, and more in future budgets, which seems likely to raise rents for many families at risk of becoming homeless.

But Mangano believes that his campaign could inspire broader change, and points to England as an example. "Four years ago the Blair government—hardly the Bush Administration—proposed to reduce street homelessness dramatically in five years," he says. Critics scorned the idea and questioned its focus on a small minority of those in need. But in three years the numbers of the street homeless fell by two thirds. "As a result," Mangano says, "all these proposals around family homelessness that were stuck in Parliament, going nowhere—now they're all getting funded." Members of Parliament saw their investment working, he says, and became "remoralized."

As a Republican official in an election year, Mangano could have a hard time building bipartisan momentum. Most of the people he is working to persuade—mayors, social workers, program directors—are Democrats. In fact, some of his strongest supporters are pulling for John Kerry. But by this summer San Francisco and New York City, both struggling with large homeless populations, will release ten-year plans in formal alignment with Mangano's work; and Congress will soon get a chance to begin funding that work and putting it to the test.

Will liberals accept compassionate conservatism if it works? Mangano continues to campaign. "There were many abolitionists who wanted nothing to do with Lincoln," he says. "They wanted nothing to do with the war—they wanted to maintain their ideological purity as pacifists. [Others] understood that this war was a vehicle for ending slavery. They involved themselves politically with the Lincoln Administration to ensure that the war, which was specifically to preserve the Union, became the war to abolish this social evil." He laughs. "Lincoln, of course, was our first Republican President." ■

Douglas McGray is a writer based in Washington, D.C.

Homelessness is one of the few corners of public policy in which traditional liberal ideas have gone largely unchallenged.

cates on behalf of the homeless, who had long focused on emotional appeals for greater attention and investment. Although sympathetic to their motivation, Mangano believes that political leaders have grown numb to sob stories, especially since the debate over welfare reform. "There were homeless advocates saying the sky is falling, the wolf is at the door, if welfare as we know it is changed," he says. None of it happened. Now "research is the new advocacy."

Mangano arrived in Washington, in 2002, well liked by both Republicans and Democrats. But skeptics wondered whether he could defend anti-homelessness programs from spending cuts, much less persuade a preoccupied conservative Administration and dozens of Democratic mayors to work together on an issue that doesn't register as a priority for voters. Through relentless travel and lobbying he has produced encouraging results.

On that March morning Atlanta's mayor, Shirley Franklin, an outspoken supporter of Mangano's, and Angela Aliota, a civil-rights lawyer in charge of San Francisco's chronic-homelessness plan, had traveled to New York to meet

explained. But that doesn't make them all equal. "If we didn't have scientific data, it would become a debate." Tsemberis has ministered to the so-called "treatment-resistant" for decades, and pioneered his "housing first" model after being struck by how many clients distrusted social workers and simply wanted a place to live. Offer them the apartment first, he believes, and you don't need to spend years, and service dollars, winning their trust. His success rates are high, his costs relatively low. "You can see why that resonated with the compassionate-conservative types," Culhane says. "It's exactly the kind of thing they've claimed they're looking for: sensible policy interventions that do right for the people and for the taxpayer."

Suspicion remains. Bill Clinton's Secretary of Housing and Urban Development, Andrew Cuomo, is a vocal critic who rejects the idea of targeting any one kind of homelessness over another. "You can't judge who's more needy," he says. A more widespread criticism, voiced even by some of Mangano's allies, contends that the Bush Administration's neglect of affordable housing undermines Mangano's very approach. They point out that Bush has proposed to cut more than \$1 billion

THE HEART OF THE MATTER

Is Dick Cheney physically a good risk as Vice President? Seven cardiologists weigh in

This past spring Vice President Dick Cheney attended the Gridiron Club dinner—an annual ritual that brings together politicians, journalists, and other members of the Washington establishment for a lighthearted evening of political speeches, skits, and other frivolity. Cheney himself managed to bring down the house when he was called upon to speak. Addressing some of the performers, he said, “At one point during your skits I had a little scare. I felt a tightness in my chest. I started gasping for air and breathing irregularly. Then I realized it’s called laughing.”

The Vice President was poking fun at his health, of course. But his medical history is sobering. Cheney has suffered four heart attacks in the past twenty-six years. The first came when he was only thirty-seven, the second when he was forty-three, the third when he was forty-seven, and the fourth when he was fifty-nine—only two weeks after the stressful election of 2000. In 1978, shortly after his first heart attack, when the gravity of his condition had become apparent, Cheney quit smoking cigarettes, at least for a time (he had taken up the habit in his late teens and at its peak smoked three packs a day). After his third attack, in 1988, he had surgery: a quadruple coronary-artery bypass. He did remarkably well for the next twelve years, even though, according to one report, he exercised only twice a week and gained forty pounds.

Immediately after Cheney’s fourth heart attack doctors inserted a stainless-steel stent in one of his most severely compromised vessels. Unfortunately, about three months later, as happens about 25 percent of the time, the stent became blocked, and to reopen it doctors performed an angioplasty. In June of 2001 a thirty-four-hour electrocardiogram demonstrated an abnormal heart rhythm; at the end of that month his doctors implanted under the skin of his chest a cardioverter defibrillator, which shocks the heart back into a normal rhythm in the

event of a potentially deadly arrhythmia. Since that time Cheney has been on a strict dietary regimen (although he is still overweight), a routine of daily exercise, medications to significantly lower his blood pressure and cholesterol, and a daily dose of aspirin to prevent blood clots. By official accounts, since his last

procedure he has had three routine checkups (in February and September of 2002 and July of 2003), each of which included an electrocardiogram, a stress test, and an echocardiogram.

Given the extent of Cheney’s history of severe coronary-artery disease and multiple heart attacks, many have raised concerns about his present condition (which could put the speaker of the House, Dennis Hastert, within a heart-beat of the presidency); about his physical fitness to run again for Vice President; and, of course, about his ability to run the country if President Bush died or were incapacitated.

With this in mind I interviewed seven prominent cardiologists who practice at major academic medical centers in the United States and conduct advanced research on heart disease. After promising not to name these doctors but receiving permission to quote their impressions, I gave each of them Cheney’s medical history. Initially I identified Cheney only as a nameless high-level executive with a stressful and remarkably demanding job that involved a great deal of travel, late nights, and frequent crises. Only after they had expressed their medical opinions did I tell the doctors who the patient was, and ask if they would change their assessments. None did.

Although our discussions hardly met the rigorous criteria of an opinion-research poll, all seven cardiologists concurred that the subject was at significantly higher risk for premature death from a heart attack than the average sixty-three-year-old American male. (Upon learning that the patient was Cheney, a

cardiologist from Boston observed, “It’s a pretty impressive history. I had no idea he’d had all this happen to him,” and added, “It’s a testament to medical science that he’s alive.”) All seven did note, however, that although the subject’s condition—which doctors call “malignant atherosclerosis”—was hardly characteristic of patients in their practices, his situation is not uncommon. They agreed that his treatment regimen was appropriate.

Five of the seven cardiologists felt that so long as the subject had no evidence of impaired blood flow to his



heart (a condition that would be easily determined by a cardiac stress test), the decision to stay on the job was really a matter of personal choice. But after hearing the blinded case history a Cleveland cardiologist said, “I would first ask, How is he doing financially? Can he retire?” When I told him that the patient was financially independent, the physician said that at a minimum he would advise a major cutback of work hours. In contrast, a cardiologist in Ann Arbor cautioned, “You can do a patient

a big disservice by telling him to stop working. As long as he is functioning well, which he is, he should keep working, but under a tight watch by his doctors. He should lose some weight. But as long as his exercise tolerance is fine and risk factors under control, I don't know if he could do much more [to protect his health]."

After finding out that the patient was Cheney, a cardiologist in Washington, D.C., insisted that as long as he passed his medical examinations, the Vice President was "still fit to do the job." When asked if the job itself was a risk to Cheney's health, the cardiologist's only response was "The world is a stressful place." The Boston physician said he would not recommend restricting the Vice President's work activities or canceling his re-election bid, but he did add that since "the vessels used in a coronary-artery bypass graft do often close up over time, it's well possible he'll need a repeat procedure within five years." A cardiologist in Detroit strongly disagreed with those willing to give Cheney medical clearance for such a demanding job. "There is not a simple right answer," he observed, "but when you are in a position where a lot of lives depend on you, it's more than a personal choice."

Although the official White House position today is that Cheney is in "excellent health," the Washington-insider magazine *National Journal* has recently reported that if in the run-up to the 2004 election too many people raise concerns about his political fitness for office, Cheney "could use health and his history of four heart attacks to construct a credible exit." It's possible, in other words, that the Vice President's medical condition could—ironically—help the Bush campaign dodge other electoral liabilities. ▀

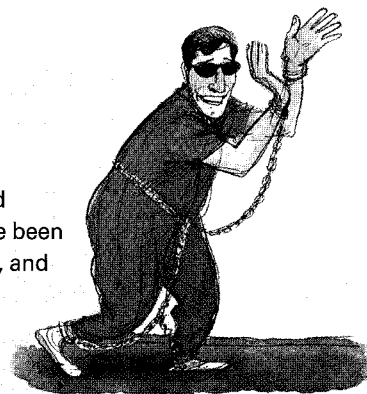
Howard Markel, a pediatrician and a medical historian at the University of Michigan, is the author of When Germs Travel: Six Major Epidemics That Have Invaded America Since 1900 and the Fears They Have Unleashed (2004).

THE LIST

RICH, FAMOUS, INCARCERATED

Two decades of celebrity justice

Martha Stewart will be sentenced on June 17, and stands to join a select crowd: celebrities who've been sent to jail. Most celebrity crimes are mundane stuff, and even stars accused of heinous crimes—such as Fatty Arbuckle and O. J. Simpson—are frequently acquitted or let go with a slap on the wrist. In the meantime (bearing in mind that "celebrity" is an inexact term and that we've opted not to include athletes), here are what we believe to be the ten longest celebrity jail sentences of the past twenty years. —NATHAN LITTLEFIELD



1. Rev. James Bakker: Forty-five years, for wire and mail fraud. The toothy televangelist was convicted in 1989 of swindling \$158 million from followers who bought time-shares at Heritage USA, a Christian resort run by his PTL Ministry.

2. Jamal "Shyne" Barrow: Ten years, for first-degree assault, criminal possession of a weapon, and reckless endangerment. Shyne was a hip-hop artist on the rise and a protégé of Sean "P. Diddy" Combs when he opened fire inside a Manhattan nightclub in 1999, injuring three people.

3. Christian Brando: Ten years, for voluntary manslaughter. In 1990 Marlon Brando's son shot and killed Dag Drollet, the boyfriend of his half-sister Cheyenne, claiming that Drollet beat her while she was pregnant.

4. Marion "Suge" Knight: Nine years, for violating probation. In 1995 the West Coast rap impresario received a nine-year suspended sentence and five years' probation for assaulting two musicians in a Hollywood studio. After Knight participated in a September 1996 attack on a man in a Las Vegas hotel lobby, his probation was revoked and he was forced to serve the suspended sentence.

5. Rep. James Traficant: Eight years, for racketeering and corruption. The Ohio congressman took bribes from businessmen and kickbacks from his staff; after he was convicted, in 2002, he became only the fifth member of the House of Representatives ever to be expelled.

6. James Brown: Two concurrent six-year sentences, for aggravated assault and failing to stop for the police. In 1988, while high on PCP, the "Godfather of Soul" burst into an insurance seminar in a building he owned, brandishing a shotgun, and demanded to know who had used his bathroom. He later led police officers on a two-state car chase. He was pardoned last year.

7. Mystikal (a.k.a. Michael Tyler): Six years, for extortion and sexual battery. Last year, after accusing his hairstylist of stealing \$80,000 in checks, the Grammy-nominated rapper forced her to perform sexual acts with him and two bodyguards.

8. Rick James: Five years and four months, for assault and drug charges. The "Super Freak" was convicted on charges stemming from two 1993 incidents. In the first he and his girlfriend Tanya Hijazi—drunk and high on crack cocaine—assaulted a female acquaintance. In the second James provided a woman with crack. James's attorney noted that his client had "a different lifestyle than the rest of us."

9. Leona Helmsley: Four years, for tax fraud. Leona and her husband, Harry, billed the Helmsley hotel chain for more than \$3 million worth of renovations and furnishings for their Connecticut home. It probably didn't help her case when she said, before her 1989 conviction, "Only the little people pay taxes."

10. Robert Downey Jr.: Three years, for violating probation. In 1996 Downey was arrested for separate incidents of gun and drug possession, trespassing, and leaving a mandatory drug-treatment program. He was placed on probation, but after two violations was sentenced to three years in prison.

Nathan Littlefield is an Atlantic staff researcher.

AL-QAEDA'S UNDERSTUDY

Suicide terrorism has come to Pakistan, waged by one of the most vicious Islamist groups ever known

The call in late March by al-Qaeda's deputy leader, Ayman al-Zawahiri, for Pakistanis to overthrow their government came as music to the ears of militant *jihadis*. Their double suicide bombing failed to get President Pervez Musharraf last December, though it did kill fifteen others. Since 1996 I have researched suicide bombings by Islamist organizations in an attempt to understand, as a Muslim, the rationale of those who carry out or sponsor them. This has led me to explore the arrival of this alien method in my own country, Pakistan, where officials, field operatives, and *jihadis* all spoke to me recently on condition of strict anonymity.

It was easy to introduce suicide bombing in Pakistan, an Islamic country that has had a martyr culture since its birth. In 2002 Sunni *jihadis* who had been using Afghanistan as a safe haven were suddenly made jobless by the fall of the Taliban regime; they returned to Pakistan, where they sought retaliation through martyrdom. The *jihadi* agenda converged with that of sectarian extremists seeking action of any kind. Madened and humiliated by defeat in Afghanistan, Pakistan's *jihadi* leaders changed their philosophy. They had condemned as sinners those bombers who died by their own hand; now they switched to support for homegrown operations based on an imported idea. Foreign *jihadis* brought the technique; Arab clerics escaping from Afghanistan preached its virtues; Pakistani merchants and smugglers provided funding; and local zealots supplied the bombers.

Despite a superficial similarity, Pakistani suicide bombers truly resemble neither al-Qaeda nor a reconstituted Taliban. The suicide cells are hybrids, drawn from other groups and different from old-fashioned *jihadis* who set off to fight for Islam armed with faith and maybe a gun. They are very well trained. Their leaders are educated middle-class Pakistanis, many from large cities. They

are considered model young men by their families and comrades, and held up as examples in mosques. They have access to centers of power and information. And they operate in their own country, without foreign troops chasing them. They are independent and implacable, and command enough financing and expertise to plunge the country into chaos.

SECURITY
**NASRA
HASSAN**

"*Jihad* becomes an addiction," a police interrogator told me of the young men who are blowing themselves up. "It's more powerful than a drug. That's why *jihadis* move around in search of a cause. If they don't find a ready-made *jihad*, they create one."

The major terrorist operations in Pakistan since 9/11 have a common "grandmother," one intelligence analyst told me. He was referring to Lashkar-e-Jhangvi (LJ)—the group of choice today for hard-core militants in the country, whose original *jihad* was directed exclusively at fellow Muslims, the Shias. The chief suspect in the killing of the American journalist Daniel Pearl, Omar Saeed Sheikh, implicated LJ when he denied his own involvement: "Pearl was worth more to us alive than dead," he told the police. Pakistani officials told me that LJ members kidnapped Pearl, though non-Pakistanis cut his throat. The video of the killing was delivered by an LJ worker.

Born in 1996 as a militant ultra-sectarian Sunni group, Lashkar-e-Jhangvi mutated into a terrorist outfit that is now a suicide-attack squad carrying out operations for all extremist groups. The Pakistani government banned LJ in August of 2001, but the group survived by dissolving and hiding inside other organizations. I asked a former leader of Sipah-e-Sahaba, LJ's parent body, about LJ's hallmark proclivity for excessive violence, such as killing children or pumping bullets into a body long after the victim is dead. He answered, "Violence spreads fear and panic and gives us a place in the scheme of things. The vio-

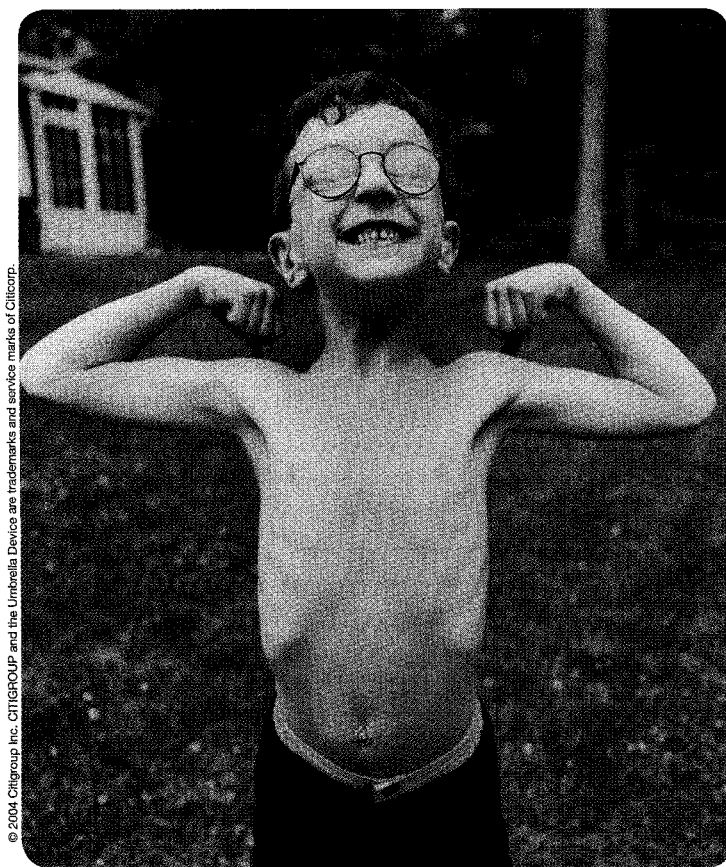
lence is never random. LJ has no problem with shedding the blood of those whom it is a duty to kill. The Prophet of Islam fought in twenty-seven battles. The Koran says, 'Kill those who kill you.' LJ's philosophy is an Islamic one: either victory or martyrdom. Combat is an essential part of *jihad*, and *jihad* is our duty."

Jihadis move between groups, which makes it difficult to hunt them. Operational cooperation among *jihadi* groups can take the form of a "loan" of militants, expertise, and supplies; a friendly exchange; an alliance; or a crossover from a defunct group into an active one.

At first LJ's hit men fired from moving motorbikes. Later they began to use timed devices, and graduated to throwing hand grenades and mowing down targets with machine guns. LJ's latest innovation is a combination of hand grenades to kill and create panic, automatic fire to strike those stampeding to safety, and suicide detonations to finish off themselves and the rest. This method killed fifty-three Shias in an attack in Quetta last July.

LJ first turned to explosives in January of 1999, in a plot to blow up the Prime Minister as he drove over a bridge to Raiwind. LJ militants approached the imam of a small mosque by the roadside; gave him greetings from Riaz Basra, one of LJ's four founders; and spent the night in the imam's one-room home. They put up a curtain in the middle of the room, and while the imam's wife and children slept on one side, they heated urea (easily available as fertilizer) in a wok to create an explosive. A cordless phone with a nine-volt battery was the "initiator" to turn on a light that was connected to a detonator.

Some minutes before the Prime Minister's convoy was to pass, two policemen on a routine patrol stopped their van under the bridge. The policemen got out to pee. Their driver pressed the button to talk on his radio. Because the van was parked only a few yards from the imam's hut, the rudimentary device switched on prematurely and detonated



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the explosives. The blast was so powerful that the two-span bridge went awry. (The imam and his family escaped.)

LJ has become media-savvy, timing daylight attacks to catch the evening news. Its planners watch Hollywood films for ideas. That's how they thought of disguising Riaz Basra, putting his leg in a cast, and wheeling him into the Prime Minister's home as part of a scheme to show that they could infiltrate anywhere. Another idea came from a local movie: LJ organized a fake wedding procession in Multan in 1997, with a bridegroom on a white horse accompanied by musicians, singers, and dancers. A cameraman recorded the event. As the noisy procession passed the heavily guarded Iran Cultural

led to the arrest of a son of Sheikh Omar Abdul Rahman, the blind Egyptian cleric who is serving a life sentence in the United States for the 1993 World Trade Center bombing. The son in turn provided the clue that led to the capture of Khalid Sheikh Mohammed, a senior al-Qaeda figure now in U.S. custody. To avenge this "betrayal," LJ killed thirteen Shia police cadets in June of last year; the Quetta attack was another act of revenge.

An LJ cell is made up of two or three young men—and up to seven in exceptional cases. The cell disbands after an operation and regroups at another location. The cells are drawn from a pool of young men trained in Afghanistan who are scattered all over Pakistan. Pak-

beards and traditional clothes; to maintain a neat, inconspicuous appearance; to have their documents (real ones issued under fake names) in order and to carry them at all times; and to do nothing illegal or out of the ordinary. They are forbidden even to run a red light. "The Prophet Muhammad once told his commanders to change their appearance for an espionage mission," an LJ member told me. "Disguise and subterfuge are legitimate because we are engaged in *jihad*." Militants are helped by sympathizers: a mixture of pious Muslims, *jihad* supporters, sectarian haters, and government officials.

The Pakistani government sometimes prosecutes captured *jihadis*, but it often resorts to extra-judicial killings—simpler than contending with a protracted judicial process that is frequently brought down by scanty evidence, witnesses who retract their testimony under intimidation or disappear, and sloppy police work. The militants are defiant; they do not plead for mercy after capture. Before an operation suicide attackers ask their mothers to bless them, and request that their wives fast and pray. They tell their families not to grieve, for they will be in Paradise. And death is preferable to Guantánamo Bay.

I asked a *jihadi* leader about operational links between al-Qaeda and the cells that organize suicide operations in Pakistan. "There is no need for links," he said. "Al-Qaeda—meaning 'the foundation,' or 'base'—was never a single structure. Its original name in Arabic, Majmuat al-Qaeda, referred to a grouping of bases. It was always a loose network of like-minded people. And even this was intentionally dissolved in 2001. Operations are carried out by centrifugal cells."

Where, I asked him, using Israeli terminology, was the "head of the snake," or the "kitchen" where decisions and commands were prepared? "The snakes scattered and the kitchens became mobile well before 9/11," he said. "To refer now to al-Qaeda as the base is inaccurate." ■

Nasra Hassan was born and educated in Pakistan and currently lives and works in Vienna. She has just completed a book on Palestinian suicide bombers.

Independent, implacable, and considered model young men by their families and comrades, Pakistani suicide bombers command enough financing and expertise to plunge the country into chaos.

Center, hit men climbed over the back wall and shot dead the center's (Shia) Iranian director and six others. Fireworks set off by the "wedding guests" camouflaged the gunfire.

Since 2002 Lashkar-e-Jhangvi has provided services for large-scale suicide attacks. A suicide operation in March of 2002 in a church in Islamabad killed five Christians as proxy targets for Westerners; among them were two Americans. In May eleven Frenchmen, mistaken for Americans, were blown up in Karachi; in June twelve Pakistanis died in a suicide attack on U.S. diplomats.

By mid-2003, *jihadis* told me, anti-U.S. fervor over the war in Iraq had subsided, and sectarian extremists who had joined the *jihad* in Afghanistan now reverted to religion-based violence, with a twist. Al-Qaeda and its affiliates in Pakistan suspected that Shia communities were providing intelligence in the hunt for al-Qaeda. An official investigator told me that a Shia gave the tip that

istan's Inter-Services Intelligence, with long-standing and murky links to *jihadi* groups, originally planted informers in the training camps, who reported back on "consignments" dispatched from Afghanistan. But "virgin" boys without criminal records were difficult to trace once they crossed back into Pakistan. Hits made by fresh batches left the police helpless to investigate or prevent further attacks. After the fall of the Taliban regime, LJ militants preferred to take their chances with the Pakistani authorities—even risk liquidation—rather than fall into the hands of Northern Alliance commanders. ISI lost what little control it had over LJ when new "internationalist" militants took over.

LJ recruits hit men and operatives with care, looking for strong religious conviction and steady nerves. The trained martyrs, called the "armored corps" of *jihad*, return to their homes and jobs to live normally until summoned. While they wait, they are under strict orders to shun

Reports of intelligence on television now confirmed.

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KERRY'S SECRET WEAPON?

Hundreds of thousands of swing-state radio listeners may turn the unlikely Howard Stern into a presidential kingmaker

Though much has been made of the recent debut of Al Franken as a liberal talk-radio host, the most important political voice on talk radio this year may turn out to be not Franken but the usually apolitical "shock jock" Howard Stern.

Recent months have not been kind to Stern, who found himself a target of the backlash against indecency that followed the baring of Janet Jackson's nipple during the Super Bowl halftime show. In February the radio behemoth Clear Channel Communications dropped him from six of its affiliates for being "vulgar, offensive and insulting." The following month the FCC slapped him with a \$27,500 fine for his on-air discussions of sexual techniques such as the "nasty Sanchez" and the "blumpkin" (don't ask). As Congress considers raising obscenity fines as high as \$500,000, Stern is contemplating a move to satellite radio, where the FCC couldn't touch him.

The proudly boorish host has cast himself as the target of a Republican vendetta—sparked by his criticism of President Bush and spearheaded by Clear Channel (whose CEO is a Bush family friend). So Stern is fighting back, proclaiming "radio jihad" on Bush's reelection campaign and partly remaking his show—well known for its adolescent obsession with fart jokes, lesbians, and strippers—into a platform for anti-Republican invective. "Remember me in November when you're in the voting booth," Stern tells listeners. "I'm asking you to do me one favor. Vote against Bush. That's it."

The idea of Howard Stern as presidential kingmaker may seem absurd on its face. But Stern has successfully dabbled in politics before. In 1994 he launched a Libertarian Party candidacy for governor of New York, only to quit the race and endorse George Pataki, a Republican, over the incumbent, Mario Cuomo. Stern was polling at six percent before he dropped out, and several political observers believed that his en-

dorsement helped Pataki pull off a narrow win. The previous year Stern had endorsed the Republican candidate Christine Todd Whitman for governor of New Jersey, on the condition that Whitman name a rest stop after him if elected. Sure enough, Whitman upset the Democratic incumbent, Jim Florio—and today the Howard Stern Rest Area graces Interstate 290 just east of Burlington City, New Jersey.

POLITICS **ROSS DOUTHAT**

Both those races took place within Stern's home market. But with eight million weekly listeners, Stern also has a larger *national* audience than any radio host other than Rush Limbaugh, Sean Hannity, or Dr. Laura Schlessinger (the majority of whose listeners presumably tend to be Republican). Stern could sway many undecided voters, according to Michael Harrison, of *Talkers* magazine, a nonpartisan periodical that surveys radio listener demographics.

Harrison says that Stern has "a gigantic audience of thirty- to fortysomethings, people who have grown up with him, people who are teachers, accountants, lawyers." Several million of them "would say they lean conservative ... but are on the fence" in this race. And the host has tremendous credibility with his listeners. "He may be raunchy, edgy, dirty," Harrison says, "but he's compulsively honest, and his main target is hypocrisy." Also, it's not hard to imagine that Stern's relentless screeds against the President would compel some of the previously nonvoting members of his audience—people whom political campaigns usually ignore—to turn out for John Kerry.

In a closely divided country it may not take many votes to tilt the electoral playing field. Ohio, for instance, went

for Bush by fewer than 200,000 votes in 2000, and is up for grabs this fall. Stern's broadcasts in Cincinnati and Columbus reach a total of 138,000 listeners a week, according to Arbitron, an independent firm that tracks radio audiences. Missouri and Pennsylvania are also swing states; his show reaches 139,000 in St. Louis and 358,000 in Philadelphia.

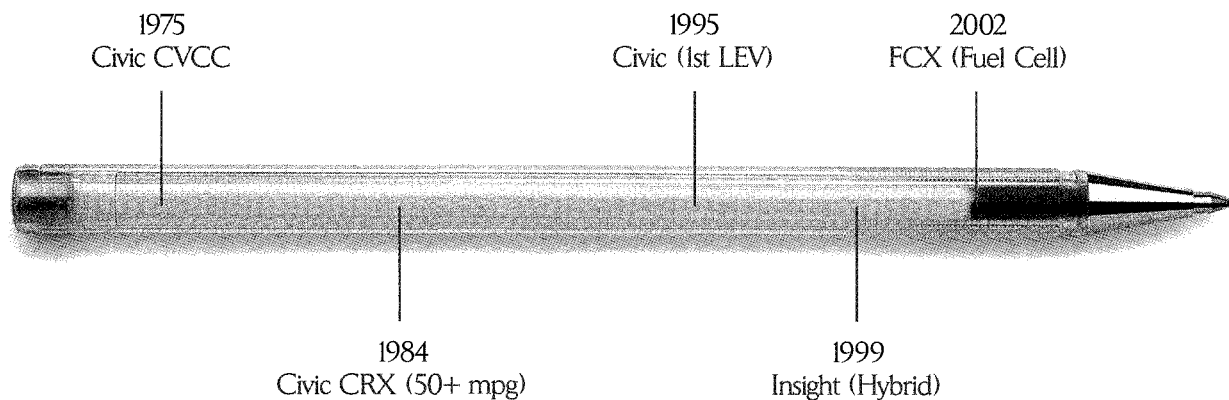
In Florida, the fiercest battleground in 2000, the Clear Channel purge cost Stern audiences in Fort Lauderdale and Orlando—which is fodder for Bush-Clear Channel conspiracy theorists. But even now Stern's show reaches



38,000 people a week in Fort Myers—seventy times Bush's Florida margin in 2000. In short, it's not inconceivable that Stern could swing a state or two into Kerry's column. ▀

Ross Douthat is an Atlantic staff researcher.

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THE PROTOTYPICAL BICYCLING MONARCH

Queen Juliana of the Netherlands (1909–2004)

Even before the tireless efforts of Larry King, Kitty Kelley, and *People*, to most Americans “the Royals” had always meant the House of Windsor. But there are other Royals too, and the collective term for the surviving Continental houses, at least in Britain, is “the bicycling Royals.” Technically, not all Scandinavian or Low Country monarchs bicycle, but they do all affect a less obviously regal style than Queen Elizabeth, which British “reformers” (that is, republicans) say is more in keeping with an egalitarian age. This is a bit unfair to Elizabeth II, who does her best to keep up with the times—dancing Queen to queen with Sir Elton John to “Rock Around the Clock,” and on another occasion taking tea with him in the Royal Enclosure at Ascot while the Duke of Edinburgh made somewhat strained conversation with Sir Elton’s “partner.” The Court of St. James’s, with its elaborate orders of precedence for widows of baronets and second sons of marquesses, has managed to adjust its rules of placement to accommodate the gay consorts of elderly rock stars.

But for its critics the House of Windsor is still impossibly snooty compared with the unstuffy bicycling monarchies. The lady who gave a name to this phenomenon was the prototypical bicycling monarch, Queen Juliana of the Netherlands. She had a bicycle, and she rode it around in public at a time when most monarchs stuck to their gold coaches. Sometimes she rode it to the supermarket. And although she was ninety-four at the time of her passing, she died in the saddle, if only in newspaper shorthand: “HOLLAND MOURNS BICYCLING QUEEN” (*The Observer*); “INFORMAL REIGN OF THE BICYCLING QUEEN” (*The Australian*).

“Imagine Prince Charles, whose high falutin’ thoughts on the environment have bored us all, actually getting on a bike, as Queen Juliana did, and cycling to work among his subjects,” Vanessa

Feltz sneered in *The Express*. “Fat chance.” I would have thought the chance was no fatter than that of seeing Ms. Feltz, a decidedly queenly British telly personality, cycling to work among her viewers. Of course, were the Prince of Wales to do as he’s told and mount his trusty, rusty Raleigh, Ms. Feltz and the rest of the press would be the first to complain about the attendant security detail clogging up the bike path.

In truth, Juliana’s homespun monarchy was the product of a particular combination of factors.

First, the House of Orange has leaned to the distaff side for more than a century: Queen Wilhelmina, Juliana’s mother, succeeded to the throne in 1890, at the age of ten, with Juliana’s grandmother as Regent until she was eighteen; Juliana’s daughter, Beatrix, is Queen today. A bicycling queen fits easily into a “mother of the nation” tradition. Had King Zog of Albania tried it, it would have been further confirmation that he was a flake.

Second, Queen Wilhelmina was a devout woman who, among other expressions of her faith, forbade Juliana, a somewhat plain teenager, to wear makeup. When the Princess Margaret glamour-puss role is closed off to you, you might as well exploit the political advantages of homeliness. As Queen, Juliana bought her frocks off the peg.

Third, the German invasion forced Wilhelmina and her government into exile in England. For Juliana and her daughters (and eventually her husband, Prince Bernhard), it was merely an interim stop. King George VI’s cousin Princess Alice was married to the Earl of Athlone, then the Governor-General of Canada, and it was decided that the Dutch princesses would live with them in Ottawa. Canada is a monarchy, but a minimalist one. The sovereign is, after all, several

thousand miles away, and though the Canadian Crown mimics the mother country’s in external appearances (royal officers in Ottawa share with London such appealingly obscure designations as Gentleman Usher of the Black Rod), the full works, the bowing and scraping, would be ludicrous in a prairie kingdom. John Buchan, the thriller writer and Lord Athlone’s predecessor as viceregal eminence, observed, “You have to know a man awfully well in Canada to know his surname.” One of Juliana’s first acts on her assumption of the throne was to abolish the requirement that ladies curtsy.

Fourth, in 1948 the central fact concerning the nation she’d become Queen of was that it had been under Nazi occupation. During the war virtually the entire Jewish population was murdered. There was a brave Dutch resistance, and there were others who reached accommodations with the new regime. But neither category was inclined to fawn before a Queen who’d sat out the war in Canada—and had a German hus-

band. The postwar world diminished royal status in other ways: the Dutch lost control over their overseas possessions, from the East Indies to Indonesia, and Juliana became the first Queen of the Netherlands in almost half a millennium to be reduced to being Queen merely of the

Netherlands. Even that modest territory seemed vulnerable. In 1953 tremendous floods killed thousands of people and put a sixth of her realm under water, like a disaster-movie remake of King Canute’s seaside lesson to his courtiers in the limitations of regal power. The royal houses that had survived the calamities that befell the Continent were concerned for the most part not to catch their subjects’ eye. After Third Reichs and October Revolutions, mothballing the carriages and biking to the palace was a way to avoid the, ah, cycle of violence. Juliana sent her children to pub-

POST
MORTEM
**MARK
STEYN**



BETTMANN/CORBIS

lic school, which in Holland isn't quite the sacrificial gesture it is in the District of Columbia but nevertheless had a symbolic power.

There was no coronation, no cheering throngs, no "The Queen is dead. Long live the Queen!" For one thing, the old Queen wasn't dead. Wilhelmina stepped down because 1948 marked her fiftieth anniversary, and like Johnny Carson, she thought it time to quit. Juliana, in her turn, retired in 1980 and made way for Beatrix. No fuss, no fanfare. Dutch monarchs aren't crowned but, rather, sworn in with less ceremony than a New Hampshire town clerk.

There are arguments to be made in favor of a monarchy or a republic, but Holland's rump monarchy of quasi-republican cheeseparers seems unsatisfying by any measure. In terms of private wealth Juliana was a much richer Queen than Elizabeth II. Her grandfather, King Willem III, was a founding shareholder of Royal Dutch Shell Petroleum (just as, 400 years ago, Prince Maurits of Orange started the colonial profits gushing by sponsoring the Dutch East India Company), the original Royal Dutch shell company, at least in the sense that the Oranges have been far more adroit than the Windsors in blurring the distinction between private income and the perks of colonial expansion. One could argue that in return for the life of ease deriving from this vast wealth, it's surely not too much to ask them to ride through the streets with a regiment of dashing hussars once or twice a reign. In 1980, when Juliana handed over to Beatrix, the induction prompted the biggest street riots in Dutch history. Mostly republicans, but it would be heartening to think that among the concrete-lobbers there were at least a few royalists who felt aesthetically cheated by this publicly dressed-down monarchy.

By then it was unclear whether the Dutch armed forces could have rustled up enough dress uniforms for a parade. In the course of her three-decade reign

Juliana presided over a trickle-down informality that gave the Netherlands the first NATO soldiers with long hair, and legalized prostitution and pot and (eventually) euthanasia. The last would seem to be the logical answer to reconciling Elizabeth II's belief that monarchs should die in harness with Juliana's antipathy to reigning into advanced old age.

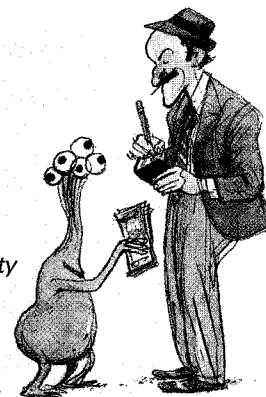
But perhaps the quirks of Dutch royalty will not be a problem much longer. Along with their relaxed attitude toward monarchy and marijuana, the Dutch seem to be relaxing themselves right out of business. Just over a year ago I had a conversation with a senior Dutch government minister apropos demographic trends in the kingdom (Mohammed is the most popular name for newborn boys in Amsterdam). In the wake of 9/11 he and his colleagues realized that something had gone wrong, that today's young Dutch Muslims are less assimilated than their grandparents; aware that I was Canadian, he told me his government wished to counter this with a citizenship ceremony modeled on Canada's, in which new citizens take an oath of allegiance to Queen Elizabeth. But he worried that the concept of an oath to the Queen might be a bit too overtly nationalistic for the Dutch. I suggested to him, as politely as I could, that when Canadian nationalism is too strong meat for you, you know you've got a problem.

Today the idea of an unaffected Queen bicycling among her subjects has a faintly comical innocence, like a restless soprano in a Silver Age operetta, or Princess Osra's secret visits to the miller of Hofbau in Anthony Hope's *Ruritania*. It was a transitional phase, and no one yet knows where the bike path ends. As he left America's Constitutional Convention, Benjamin Franklin, fearing an inevitable tendency toward monarchy, told an inquiring citizen that the country now had "a republic, if you can keep it." A bicycling monarchy is harder to keep. ▀

Mark Steyn is a columnist for Britain's Telegraph Group, the Chicago Sun-Times, and other publications.

THE ODDS LIFE ON MARS

In March, NASA scientists reported that the rover *Opportunity* had uncovered evidence that there was once water on Mars—significantly upping the chances that life, too, once existed on the Red Planet. In response, the London bookmaker Ladbrokes halted its decades-old practice of accepting wagers on whether evidence of Martian life would be discovered. A look back at how the Mars "action" has shifted. —MARSHALL POE



1,000 to one Early 1960s: a London bookmaker accepts the £10 bet of one David Threlfall that man will walk on the Moon before the end of the decade. When Neil Armstrong does so, on July 20, 1969, Threlfall collects £10,000. Shortly after the Moon walk bookmakers begin taking wagers on the discovery of past Martian life.

50 to one August 7, 1996: NASA scientists announce that a Martian meteorite found in Antarctica contains traces of what appear to be cellular fossils. The evidence is inconclusive. Nevertheless, Ladbrokes cuts the odds.

33 to one September 30, 1998: Betting increases as the *Mars Global Surveyor* descends to a closer orbit of the Red Planet, with the expectation of more-detailed data. Ladbrokes cuts the odds.

25 to one December 23, 2003: After heavy betting anticipating the touchdown of the *Beagle 2*, the *Mars Express* lander, Ladbrokes cuts the odds. The *Beagle 2* is lost, but the odds remain unchanged.

16 to one January 15, 2004: Ladbrokes becomes worried about its exposure on the Mars bets and cuts the odds.

Bets off March 3, 2004: The day after NASA announces that the *Opportunity* has found evidence that Mars was once "soaking wet," Ladbrokes stops taking bets.

Marshall Poe is an Atlantic staff researcher.

PRIMARY SOURCES

Our "unthinkable" environmental future; Iraq's looming ethnic conflict; the (mostly nonexistent) relationship between quality and profitability in TV news; the most expensive homes in America

FOREIGN AFFAIRS

The Coming Environmental Collapse?

"The purpose of this report is to imagine the unthinkable." So begins a recent paper, prepared at the request of the Department of Defense, on the consequences of global warming for America's national security. The authors grapple with a deliberately constructed worst-case scenario, in which gradually rising temperatures cause a collapse of the "Ocean Conveyor" that carries warm Gulf Stream waters northward, keeping Europe disproportionately temperate. (Britain, for instance, is tropical compared with Labrador, on the same latitude.) Such a collapse, which last happened 8,200 years ago (after a period of rising temperatures similar to our own), would chill the North Atlantic region dramatically—Sweden would turn to tundra; the Riviera would become like the Maine coast—and potentially inflict extreme floods and droughts on large swaths of the world. In such a future, the authors warn, wars would be caused "by a desperate need for natural resources ... rather than by conflicts over ideology, religion, or national honor." The EU would fall apart, as residents of the Netherlands, England, and Scandinavia abandoned frigid Northern Europe; China would struggle to feed its population, dueling with Russia and a rearmed Japan for Siberian resources; mass migrations and persistent conflict would sweep the Middle East and the nuclear-armed Subcontinent. The United States—though "positioned well" compared with other countries—would be in a "continuous state of emergency," and compelled to integrate militarily with Mexico and Canada in order to contend with an enormous flow of would-be immigrants from Europe and the starvation-racked Caribbean.

—"An Abrupt Climate Change Scenario and Its Implications for United States National Security," Peter Schwartz and Doug Randall, Global Business Network

Turnabout Is Fair Play

In February the State Department released its annual reports on human-rights abuses in 196 countries and regions; a 50,000-word report on China documented extrajudicial killings, religious persecution, torture, and the detention of 250,000 Chinese in "reeducation-through-labor" camps. Not to be outdone, China's State Council a week later released "The Human Rights Record of the United States in 2003." The report, reproduced in full in the ruling party's official *People's Daily*, begins, "As in previous years, the United States once again acted as 'the world human rights police' by distorting and censoring ... the human rights situations across more than 190 countries and regions in the world, including China. And just as usual, the United States once again 'omitted' its own long-standing malpractice and problems of human rights in the 'reports.' Therefore, we have to, as before, help the United States keep its human rights record." With a smattering of items drawn from U.S. news reports and Web sites, China highlights America's chronic problems—a high murder rate, a huge and rapidly growing prison population, increases in child poverty, and a rising number of people without health insurance—and fleshes out the story with anecdotes of Patriot Act abuses, school shootings, and police brutality. Political freedom is said to be a sham: "The presidential election,

often symbolized as U.S. democracy, in fact is the game and competition for the rich people." As for the First Amendment, "the so-called 'freedom of press' ... speech and expression of opinion in the United States is amid a crisis," exemplified by the Jayson Blair scandal and NBC's decision to fire Peter Arnett for comments unsympathetic to the U.S. on Iraqi state television. The report accuses the United States of "sabre-rattling and launching wars," and lavishes particular attention on civilian deaths in Iraq and Afghanistan.

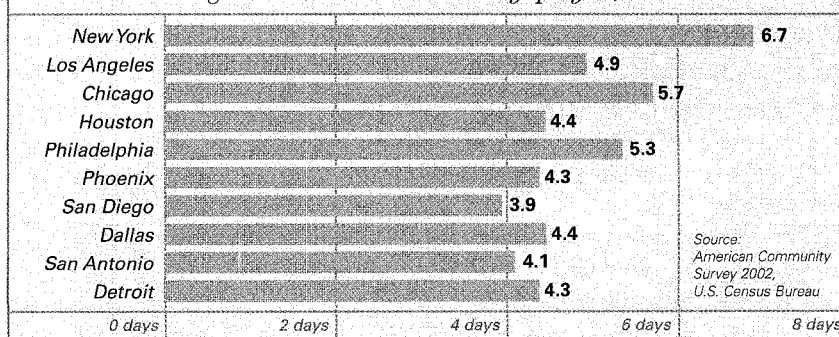
—"The Human Rights Record of the United States in 2003," Information Office of the State Council of the People's Republic of China

An Iraqi Jerusalem?

For a preview of the ethnic wrangling that may await post-occupation Iraq, consider the northern Iraqi city of Kirkuk, where three people were killed and thirty-one injured in December when 2,000 Arabs took to the streets to protest not American but, rather, Kurdish rule. As a new survey compiled by the Norwegian Refugee Council points out, for twenty years northern Iraq's Kurds were the victims of Saddam Hussein—first in a 1970s program of "Arabisation," which forced Kurds and other non-Arabs to either sign a form "correcting their nationality" or be evicted from the region (their homes were given to Shia Arabs from central and southern Iraq), and then in the 1988 Al-Anfal campaign, in which

Seven Days in Traffic

Average number of days spent commuting to work in 2002 in America's ten largest cities (based on 250 workdays per year)



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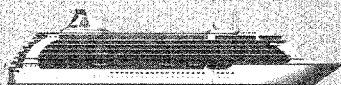
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SOCIETY

The News About the News

Today *NBC Nightly News* is the highest rated of the network evening-news programs, yet its Nielsen ratings are 11 percent lower than they were in 1994, when it occupied the No. 3 position. Collectively the networks have seen their nightly-news ratings decline by 34 percent over the past decade; local TV news is losing audience just as rapidly; and the cable-TV audience stopped growing in 2001. All this is part of an "epochal transformation" in journalism, according to a lengthy "State of the News Media" survey conducted by the Project for Excellence in Journalism. The report argues that budget cuts have left TV news teams trimmer and consequently less thorough, often leading to one-sided reporting. Even as journalistic quality declines, however, the television-news business remains wildly profitable: in 2003 the three major nightly newscasts generated half a billion dollars in revenue for the networks, and CNN earned \$351 million. Meanwhile, local news delivered 40 percent of station revenues even though it made up only 16 percent of programming.

— "The State of the News Media 2004," Project for Excellence in Journalism

PUBLIC RATINGS OF MEDIA BELIEVABILITY

Percentage of Americans who believe "all or most" of what various media outlets say

	1985	1998	2000	2002
Local TV	34	32	30	26
Newspaper	28	27	23	20
ABC	32	28	26	22
CBS	33	26	26	23
NBC	32	28	26	23
CNN	20	37	33	32

Source: Pew Research Center for the People and the Press

Saddam's government ordered mass executions and gassed entire villages (180,000 Kurds are now unaccounted for and presumed dead, 800,000 were displaced, and 4,000 Kurdish villages were destroyed). Since Saddam's fall, however, the Kurds have begun moving south into their lost lands; their return (and the fear of retaliation) has driven 100,000 Arabs from their homes, mainly in Kirkuk. The Arabs, many of whom are currently squatting in abandoned military installations or camping out next to their destroyed homes, claim that the Kurdish authorities hope ultimately to incorporate Kirkuk, which sits on some of the richest oil reserves in Iraq, into an autonomous Kurdish region. Given that Kurds have been "exposed to direct or indirect pressure to return [to Kirkuk] by the Kurdish Regional Government," there would seem to be grounds for such suspicion.

— "Internally Displaced Persons in Iraq: Patterns of Return and Resettlement," Global IDP Project of the Norwegian Refugee Council

THE NATION

"Fancy Starts at \$2.5 Million"

If you're interested in buying an extravagant home, the most expensive property on the U.S. market is a \$75 million spread in Bridgehampton, Long Island, that includes a 25,000-square-foot main house, a nine-hole golf course, three large ponds, and a 3,000-bottle wine cellar. But million-dollar homes aren't just for people who like to golf in their back yards. According to a recent report from Harvard's Joint Center for Housing Studies, the number of owner-occupied U.S. homes valued at a million dollars or more increased by 170 percent from 1989 to 2001 (the total number of homeowners grew by only 21 percent); the average price of such houses now stands at roughly \$1.7 million. A full 41 percent of the nation's million-dollar houses are in California, and five percent of them are within the Los Angeles city limits alone. But for concentration of expensive houses L.A. can't compete with Cambridge, Massachusetts,

where 11.6 percent of all single-family dwellings cost \$1 million or more—though \$1 million buys only about 1,800 square feet in crowded Cambridge. There, locals say, "fancy starts at \$2.5 million."

— "Million-Dollar Homes' and Wealth in the United States," Zhu Xiao Di, Joint Center for Housing Studies, Harvard University

Tax Pirates of the Caribbean

It's old news by now that U.S. corporations like to run subsidiary companies in those nations (mainly of the small and tropical variety) that levy little or no corporate income tax. But it's particularly galling when major federal contractors do so—and according to a new GAO report, fifty-nine of the nation's 100 largest publicly traded government contractors reported running at least one subsidiary in a "tax haven" country in 2001. Four of the fifty-nine are actually incorporated in such countries—one in Panama and three in Bermuda, including the scandal-plagued Tyco International. (Another thirty-five are incorporated in Delaware, whose famously pro-corporate laws and courts could be said to make it the Bermuda of the United States.) The report is careful to note that "the simple existence of a subsidiary in a tax haven country does not signify that a corporation has established that subsidiary primarily for ... reducing its overall tax burden." Still, a few examples seem particularly suspicious—such as Xerox's ten subsidiaries in Bermuda, and Boeing's ninety-six foreign subsidiaries, twenty-four of them in the Virgin Islands. Then there is the Delaware-incorporated Halliburton, which received more than \$500 million in government contracts in 2001, even as it was running some thirteen foreign subsidiaries out of the Cayman Islands.

— "Information on Federal Contractors With Off-shore Subsidiaries," General Accounting Office

For links to the reports and documents discussed in these pages visit www.theatlantic.com/issues/2004/06/primarysources.htm



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AL-QAEDA'S RESURGENCE

The ever resilient terrorist group continues to adapt—and is rapidly breeding a full-fledged movement

In the three years since 9/11, the campaign against al-Qaeda has yielded some important successes. Afghanistan's umbrella of state support has been removed, significantly diminishing the group's training and operational infrastructure. The United States and its allies have disrupted terrorist funding by targeting Islamic charitable organizations and al-Qaeda business holdings that were used to raise money, and have made it nearly impossible for al-Qaeda operatives to communicate privately by phone (because their land lines, cell phones, and satellite phones are now monitored). Most notable, two thirds of al-Qaeda's top leaders have been captured or killed since 9/11. Yet the terrorist network is so adaptable that it has managed to survive, and even to become more active—as the recent bombings in Madrid made painfully clear.

Marc Sageman, a counterterrorism adviser to the U.S. government and the author of *Understanding Terror Networks*, has created the world's largest biographical database of al-Qaeda operatives based on unclassified sources; it includes nearly 400 known members and affiliates. From that database Sageman created the graphic to the right, which shows the thirty-nine most crucial operational leaders as of September 11, 2001—and what has become of them since

then (the nineteen gray dots represent those captured; the seven red dots represent those killed; the thirteen photos or silhouettes represent those still at large). Members are divided into four clusters: a core leadership group, made up of Osama bin Laden and his close associates; a Middle Eastern group; a European group (which includes North Africa); and a Southeast Asian group. A line connecting two operatives signifies an operational relationship between them—the glue that holds the network together.

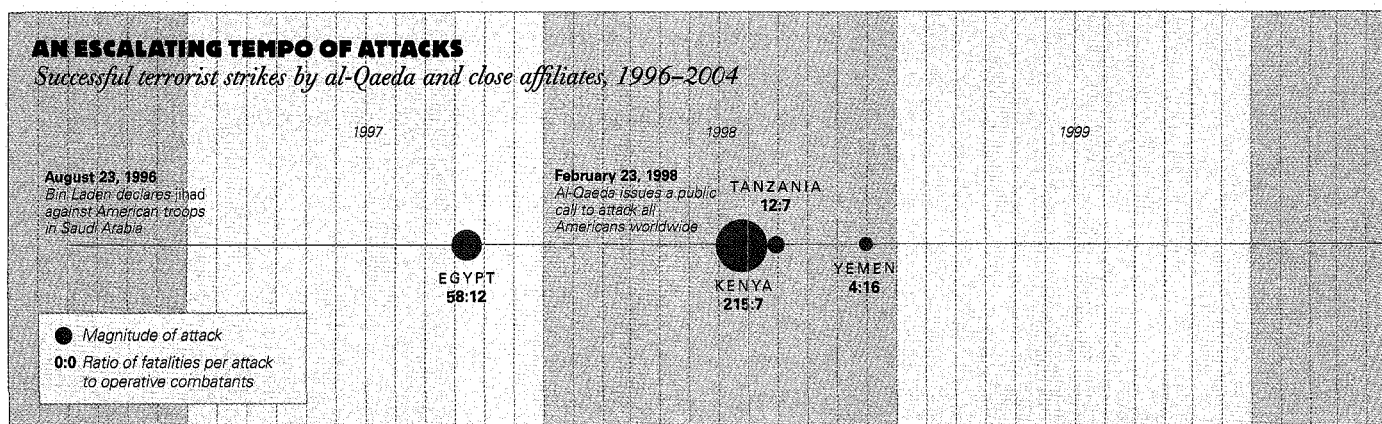
Many of those captured or killed were the best-connected leaders in the network; in some cases taking them out has sundered regional leaders from the core leadership—at least temporarily. For instance, the capture of Riduan Isamuddin (known as Hambali), the operational head of al-Qaeda in Southeast Asia and the mastermind behind the devastating October 2002 bombings in Bali, has disconnected the Southeast Asian group from the central al-Qaeda leadership.

But the diagram also shows the difficulty of “decapitating” the network by removing just the key leaders: although al-Qaeda has sometimes been described as a terrorist “corporation,” with bin Laden its CEO, the network in fact looks less like the typical corporate organizational chart than like a spider web—filled with redundant connections linking key leaders to one another and to ordinary members. Indeed, although the weakening of al-Qaeda's central leadership has reduced the number of creative and flamboyant attacks (such as those on the World Trade Center and the USS *Cole*)—especially on “hard,”

or well-defended, targets—it has not meant a decrease in the number of attacks overall. In fact, the frequency of al-Qaeda attacks has increased since 9/11, with a higher proportion of them hitting “soft” targets such as nightclubs and synagogues. As the timeline below indicates, the network has carried out nearly twice as many attacks since 9/11 as in its entire five-year history before that date.

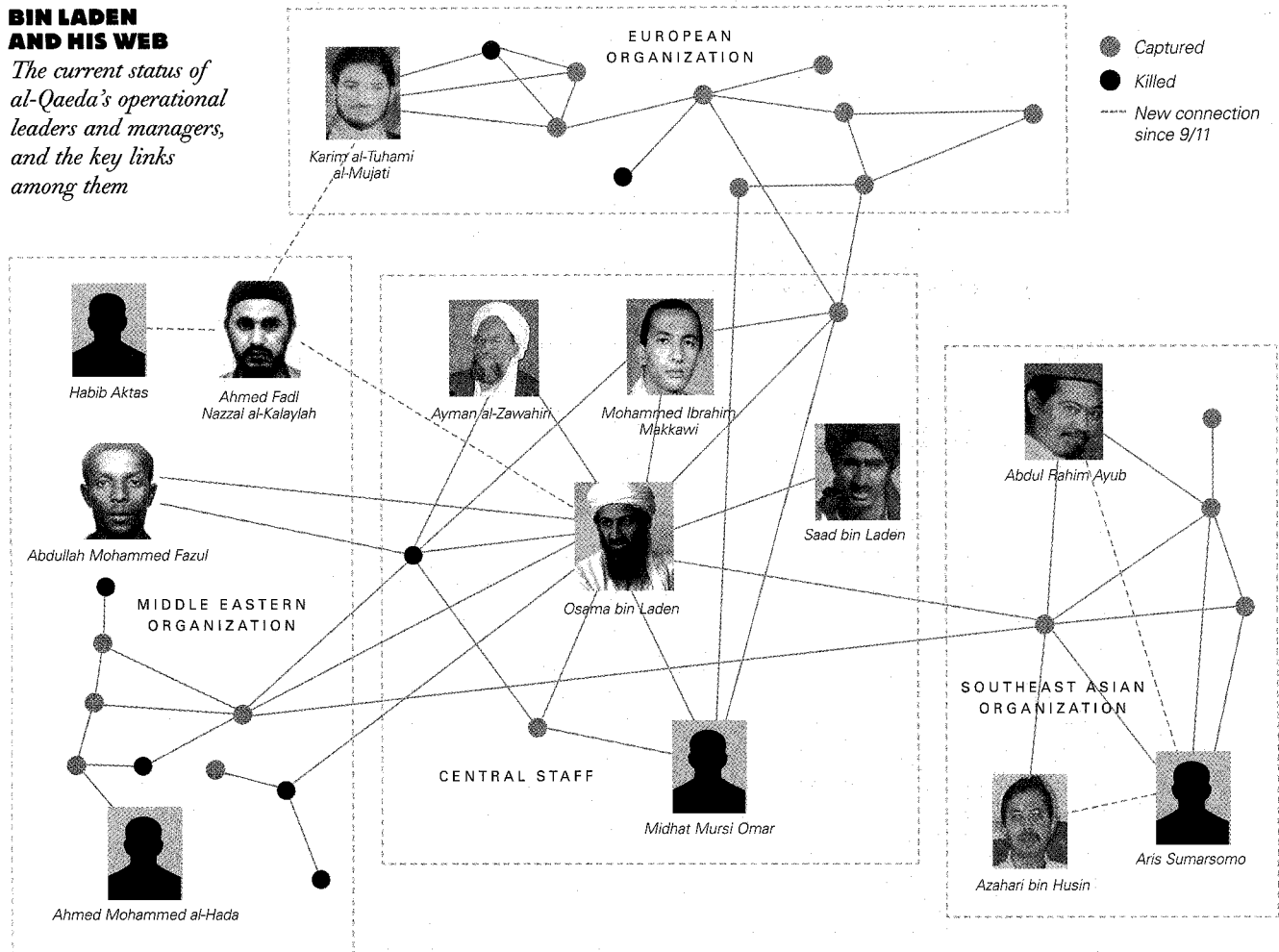
Because of the disruption to its leadership network, al-Qaeda has been compelled to rely more on local insurgent and *jihadi* groups. Of the fourteen attacks since 9/11, at least nine are thought to have been almost entirely the work of local terrorist groups, with little or no involvement by the central al-Qaeda leadership; this is true of only three of the nine attacks up to and including 9/11.

These developments reflect an alarming phenomenon: what began in 1996 as a discrete terrorist group is transforming into a large, diffuse ideological movement that provides inspiration and political support to loosely affiliated terrorist operations and political and religious insurgencies throughout the world. Bin Laden's strategy of drawing the United States into visible military conflict has apparently enabled al-Qaeda to portray itself as a defender of Islam against the West, bringing it far greater support worldwide. The al-Qaeda chief remains popular in much of the Muslim world—a series of polls conducted in Muslim countries since 9/11 show that bin Laden continues to enjoy widespread support in the Palestinian Authority, Indonesia, Jordan, Morocco, Pakistan, Egypt, and Saudi



BIN LADEN AND HIS WEB

The current status of al-Qaeda's operational leaders and managers, and the key links among them



Arabia. Whether this support will persist is an open question—particularly if al-Qaeda continues attacking targets in Muslim countries. (There is evidence of debate within the movement about the propriety of attacks in the Muslim holy land of Saudi Arabia.)

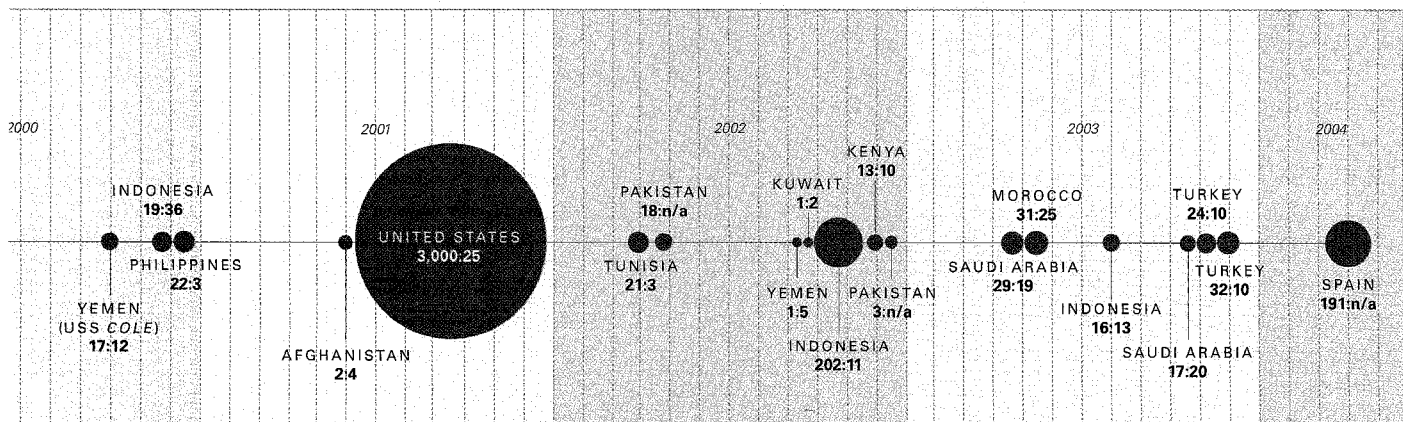
Meanwhile, the original terror network is itself adapting and possibly growing. Over the past two years the Afghan training camps have begun to be replaced by homegrown operations

in Southeast Asia and the Middle East and by online training manuals (the group and its sympathizers now regularly use Internet phone calls and instant-messaging to communicate privately by means of encrypted text, audio, and video files). And even as key financial pipelines have been disrupted, al-Qaeda has managed to replace some of its funding by becoming one of the world's largest heroin dealers. (It is estimated that a single drug network in

Kandahar, Afghanistan, brings in \$24 million annually.)

The war on terror has dealt serious blows to al-Qaeda's leadership, but each new terrorist attack provides an opportunity for local terrorists to "audition" for a larger role within the group. Taking out its leaders—even bin Laden himself—may no longer be enough to close down the network or stem its worldwide growth as a movement.

—TERRENCE HENRY



THE TRAGEDY OF TONY BLAIR

When he came to office, the Prime Minister seemed another JFK. Now his mystique is dissipated and his promise shattered. The chief cause of his failure is the war in Iraq—a war he led his people into against their will, for reasons that were not true

BY GEOFFREY WHEATCROFT

.....

As the new year opened, Tony Blair faced the greatest crisis he had yet known in what were then the nearly seven years he had been Prime Minister, or as leader of the Labour Party: he marks (celebrates might not be quite the word) the tenth anniversary of his party leadership on July 21. Sorrows came not in single spies but in battalions, and there was serious talk as to whether he would survive to the end of January.

A double-barreled threat was posed by a critical vote in the House of Commons, on the seemingly esoteric but emblematic subject of university fees, and by the imminent publication of Lord Hutton's report on the events surrounding the death last summer of David Kelly, part of a ferocious quarrel between Downing Street (and particularly Blair's disreputable former press officer Alastair Campbell, who picked the quarrel and then adroitly resigned) and the BBC, all because of Iraq. If that critical vote had been lost, and if the government had been censured by the Hutton report, it is hard to see how Blair could have remained in office. In the event, he did survive, but after two Pyrrhic victories. He won in the Commons, but his usual majority of more than 150 fell to a cliffhanging five, with seventy-three Labour MPs voting against him. Although the rebels disliked the measure in itself, they were also paying Blair back more generally for what he had done to their party—for that, and for bringing Britain into the war with Iraq. The previous March he had won another crucial parliamentary vote, directly on the war, but enjoyed the support of the Conservative opposition, with 139 of his own MPs voting against. This was the largest such parliamentary rebellion since the Home Rule controversy of 1886—much larger than that which forced Neville Chamberlain's resignation, in May of 1940—and it was a decisive rupture between Blair and the party he technically leads, even if in spirit he has never really belonged to it.

Then Hutton's report cleared Blair, but it was greeted with general derision, in which—for once in

a way—journalists were joined by the public. Campbell repelently sneered at the BBC after what he thought was a great victory over it; days later polls found that three times as many British people continued to believe the BBC as believed the government. The whole bitter episode seemed to encapsulate the worst characteristics of Blair's rule: the obsession with process rather than policy, the cynical media manipulation, the ruthless brutality—and, with all that, a notable lack of success in achieving his objectives. Blair's intimates admit, and bemoan the fact, that the priceless commodity of trust has gone. That was true as early as last summer, when in one poll 64 percent of voters said they didn't believe the Prime Minister.

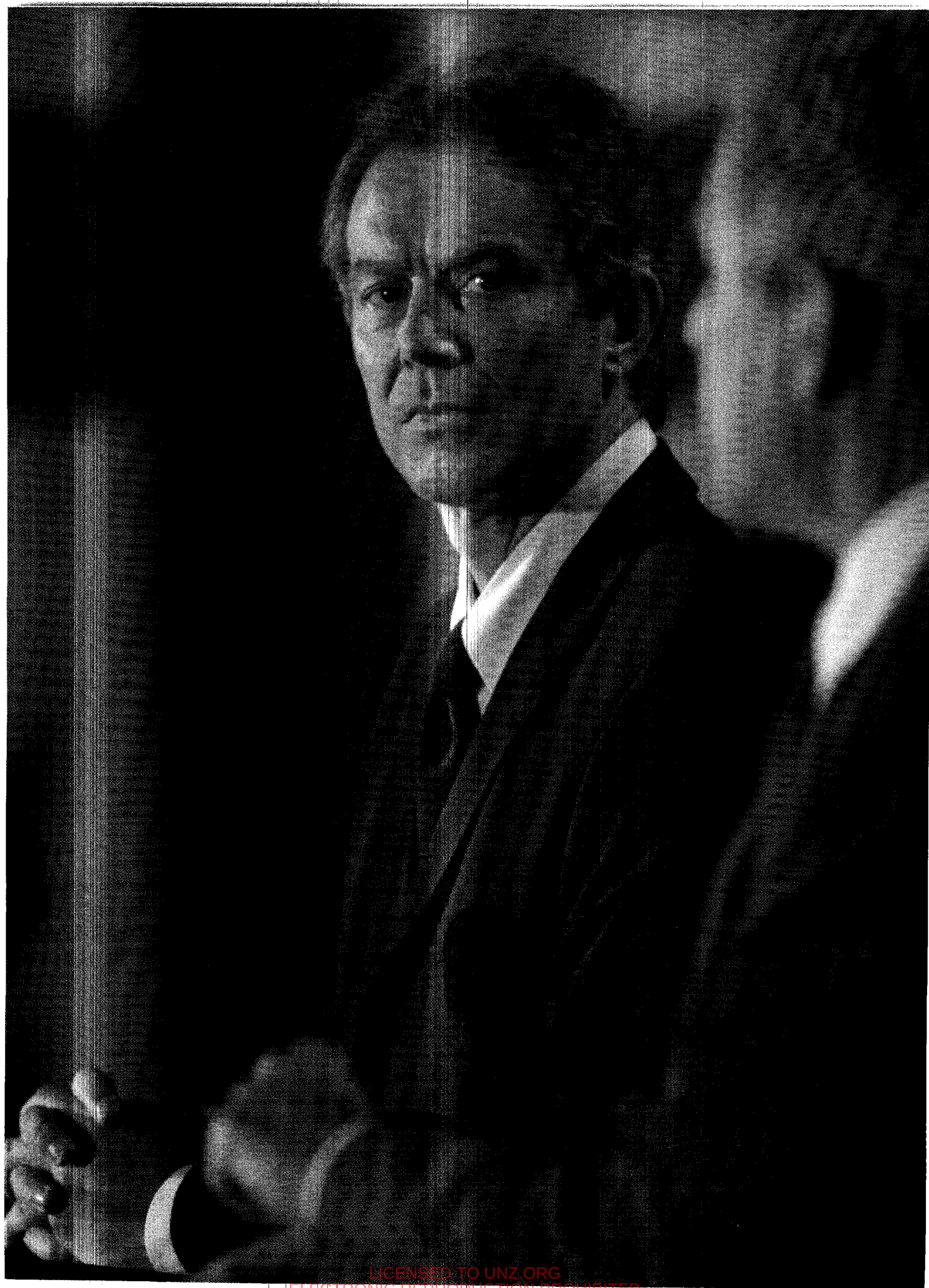
By last fall Blair was looking tired and ill. He was very visibly changed from the fresh-faced forty-three-year-old who in May of 1997 became the youngest Prime Minister in nearly two centuries, and from the grinning, proud chap who in May of 2000 came out into Downing Street, holding a mug with his children's faces on it, to tell us that his wife, Cherie, had had a son. (He is also the first premier in 150 years, since Lord John Russell, to father a child while in office.) Now the burden seemed too much for him.

Before long he appeared to recover, and his response this spring to his latest difficulties has been a renewed bout of frenetic activity. He went on his travels again, and not for the first time seemed to be everywhere but in London. In the space of a few days in March, Blair hit Belfast, to try to reinvigorate the moribund "peace process"; Madrid, to mourn the dead; Libya, for a handshake with Colonel Muammar Qaddafi (a gesture that marked the most astonishing of all his pragmatic alliances); and Brussels, in the distant hope of repairing his grievously damaged relations with other European leaders.

And yet with all this hyperactivity, and although his health had picked up, Blair seemed bereft of the almost uncanny aura that surrounded him when he came to power—an aura that had powerfully communicated itself across the Atlantic. From

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one angle his career has been brilliantly successful. Apart from the fact that he has now been Prime Minister for a longer unbroken term than any twentieth-century predecessors save H. H. Asquith and Margaret Thatcher, Blair is, I think, the only British Prime Minister save Winston Churchill and Thatcher who could be considered genuinely famous in America, where he has excited something beyond mere affection or admiration. He has been lauded as “the Prime Minister of the United States,” or, in the writer Paul Berman’s less facetious phrase, “the leader of the free world.” Nor was this just gratitude for his heartfelt response to the mass murder in New York: more than two years before the attacks, when Bill Clinton was still twenty months

end in failure.” Although that may be an exaggeration, it’s true that many—perhaps most—political leaders disappoint their followers. In Blair’s case the disillusionment has been very bitter, and the most telling voices are not of those, left or right, who always disliked him but of those who once deeply admired him, among them Hugo Young, the liberal commentator and historian who died of cancer last fall at only sixty-four. He had once exulted in Blair’s leadership; he had been exhilarated by his first election victory, and never ceased to believe that Blair had truly possessed the makings of greatness.

When Tony Blair became the leader of the Labour Party, at age forty-one, he seemed not just a breath of fresh air but



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away from leaving the White House, the Washington journalist Dana Milbank was moved to say that at last the United States had “a leader who is acting presidential” on the international stage, before adding ruefully, “Unfortunately, this leader is Tony Blair.”

After 9/11 Blair touched a deeper chord with Americans, employing an eloquence that did not come so naturally to President George W. Bush to express the moral case for fighting terrorism and, later, for invading Iraq. Even this spring Will Marshall, of the Progressive Policy Institute, in Washington, could say about the primaries that things augured well for “the Blair Democrats,” by which I take it he means those liberal-to-centrist Americans who had persuaded themselves to back the war but were much more comfortable with Blair’s language of humanitarian internationalism than with what they heard from their own President.

Still, the luster has faded. In the too-oft-quoted words of the Tory politician Enoch Powell, “All political careers

a true break with the past, for British politics as a whole as well as for Labour—a voice of youthful energy, the nearest thing to John Kennedy we had ever known. Blair stepped forward as standard-bearer for a new candor and decency, a man who would move Labour away from dogmatic socialism while avoiding the Tories’ meanspiritedness. He would cleave to the Atlantic alliance while re-engaging with Europe. He would reform public services while encouraging a vigorous competitive economy. Above all, he was a man the British could trust.

That was then. Shortly before his death, Young wrote that Tony Blair’s mystique was quite dissipated and his promise shattered; upon the stage of national and international politics, discernible through its clouds and mists, there now stood not a great man but a “great tragic figure.”

The proximate cause of those words was Blair’s support for the American war in Iraq, which is the central moment in his story, seen from either side of the Atlantic or from any

political perspective. It may also be what Goethe called the moment that, once lost, Eternity will never give back. Whatever view is taken of the war, and wherever it may yet lead, one thing is plain: Tony Blair bet his career on Iraq. He loyally followed Washington into a conflict that, as he well knew, was not wanted by most British people, by most Labour MPs, or, in their hearts, by many of his Cabinet colleagues.

And if the war is the defining moment of his career, that is not least because he is the one man on earth who could possibly have stopped it. His support for the Bush Administration wasn't strictly necessary in military terms (as Donald Rumsfeld was unkind enough to point out at the time), or even in diplomatic terms. But practically speaking, it would have been far more difficult for Washington to embark on the war if Blair had publicly voiced the misgivings of the country he leads.

All this is an astonishing turn of events. Writing in this magazine eight years ago, I described Blair's story at a moment when he was an immensely confident and masterful leader of the opposition, not to say "Prime Minister in waiting," needing only the formal acclamation that must come with the next election, which the demoralized and enfeebled Tories were bound to lose (as they duly did). Having been chosen as Labour leader almost by default, if not by accident, Blair had transformed his party, and he went on to win not one but two general elections with huge parliamentary majorities.

The first was intensely dramatic. Three times over the past century there have been landslide victories in British general elections, when the whole mood of the country seemed to change, and the air people breathed felt different. In 1906 the Liberals swept away the Tories, who had been in office for more than ten years; in 1945 the Tories were again swept away, this time by the Labour Party, after having had a huge parliamentary majority for fourteen years. And in May of 1997 a decisive victory by Blair's New Labour Party saw the Tories routed once more, after they had been in power for eighteen years, reducing them to a rump of 165 MPs out of a total of 659.

One thing we didn't quite notice at the time was how illusory that new dawn—and that landslide—had been. Did the vote really mark a sea change in British politics, as so many seemed to think? "New Labour" was politically amorphous, with a deliberately vague platform; the truth was that people were voting not for a positive change of direction, as they had in 1906 and 1945, but quite simply to throw the rascals out. The Tories had been in office far too long, squabbling, sleazy, and incompetent; the country was fed up with them, and they were fed up with themselves.

The size of Blair's landslide was due to technical factors, and it was less impressive the closer it was examined. As the Labour politician Herbert Morrison (the Home Secretary in Churchill's wartime coalition and a central player in

Clement Attlee's postwar government) once put it, when the British people say something, they say it in italics. They did so in that 1997 election, when Blair's party won 63 percent of the seats in Parliament with 44 percent of the vote, something at which leaders in countries with proportional representation can only gape with envy. More ominous, if anyone had noticed, was that the number of those voting was substantially lower than five years earlier, and that the 13.5 million who had voted for Blair were actually fewer than those (14 million) who had voted in 1992 for John Major—a much-derided figure presiding over a fractious and divided party during an economic recession. How much of a triumph had Blair really enjoyed?

And who was he? For all the floodlight of publicity, we didn't really know Tony Blair. Maybe we still don't. People who have spent time in his company will say that they have an unclear impression of his innermost self, the public even more so. That's partly because of the corrosive effect of modern politics—the constant spinning and shaping and sound-biting that can hollow out authentic human personality; and this is truer of Blair than of most other politicians, partly because

Blair seemed a standard-bearer for a new candor and decency, a man who would move Labour away from dogmatic socialism while avoiding the Tories' meanspiritedness. Above all, he was a man the British could trust.

of a theatrical temperament that makes sincerity difficult to distinguish from insincerity. His contemporaries at Fettes, the Edinburgh public school he attended, recall that he was neither academically nor athletically out of the ordinary, but that he was a brilliant actor: a friend likewise says, "He's part lawyer, part parson, and part actor." By the time he became Prime Minister, he had crafted a public persona, and his appearances were largely calculated performances.

Although Blair turned himself into an impressive speaker—at party conferences, in Parliament, on television—he was never a natural orator. And the rhetorical style he developed has not worn well, whether in his formal speeches, delivered in the verbless sentences of adman's English, or in his seemingly impromptu remarks. On the day Princess Diana died, he solemnly said that "she was the People's Princess," a phrase that (whatever it may mean) Campbell is said to have borrowed from the overwrought columnist Julie Burchill. In this mode, Blair sometimes seems to have no sense at all of the ridiculous. Arriving in Ulster in March of 1998 for the critical meetings that led to the Belfast Agreement, he told the world, "This is no time for sound

bites. I feel the hand of history upon our shoulders." There was barely a pause between the two sentences.

What with his party's amorphous platform, it wasn't easy to see where Blair would take domestic politics; but then, it was harder still to foresee how much of his time would be devoted to foreign affairs, to say nothing of making war. In six years British forces have been in action in Iraq (the air strikes of 1998), in Kosovo, in Sierra Leone, in Afghanistan, and again in Iraq by land, air, and sea—which five occasions are a record for any Prime Minister in modern times. War has overshadowed everything else Blair has done.

At home his government has a number of real and even profound achievements to its credit. It's unlucky—though both ironic and poetic justice for a government so obsessed with presentation and publicity—that the best of them have been hidden from view and will bear fruit only in years to come: a steady alleviation of child poverty and a marked improvement in teaching for young children (if not much as yet in secondary or university education).

The deputy prime minister told the MPs, "The Prime Minister does not lie." But Blair has said things that were not the case often enough to suggest that he has genuine difficulty with the concept of objective truth.

More visibly, alas, the years of the Blair government have been punctuated by scandals. Unlike those of the preceding Tories, they haven't usually concerned individual financial corruption (as far as sex scandals go, honors are pretty much even between the parties). Even the house in London that Peter Mandelson—twice a Cabinet minister, twice forced to resign, still Blair's consigliere—bought with money whose source he had not declared, and the apartments that Tony and Cherie Blair bought in Bristol as an investment, did not betoken dishonesty in the sense of illegality (although Mandelson cast more light than he may have intended on these affairs when he once said that New Labour "is intensely relaxed about people getting filthy rich").

Most of the New Labour scandals have been unsightly symptoms of that cancer of modern politics, fundraising. The Ecclestone affair, which occurred only months after Blair became Prime Minister, led him to say, "I would never do anything to harm the country, or anything improper. I think most people who have dealt with me think I'm a pretty straight sort of guy." This was after it had become known that Bernie Ecclestone, the maestro of Formula One motor racing, had made a large donation to Labour, and that the new government had then exempted Formula One from an

intended ban on cigarette sponsorship. Most of the public thought that "straight" was not quite the word.

If asked to explain himself, Blair says that religion is the key to him; this could be even truer than he knows. He had no formal religious upbringing, but he became a believing and practicing Christian at Oxford. His piety distinguishes him not only from most of his compatriots but also from most British politicians: it's a curiosity of our history that only a minority of twentieth-century Prime Ministers originally belonged to the Church of England and that only a minority have grown up as Christians in any serious sense. "If you really want to understand what I'm all about, you have to take a look at a guy called John Macmurray," Blair once said. "It's all there." Macmurray was an academic theologian and philosopher who died in 1976, at eighty-five. From him Blair learned, he says, that individuals prosper in strong, supportive communities. Few now read Macmurray, but he is a more interesting writer than that somewhat unoriginal insight suggests. George Orwell was fascinated by Macmurray, and repelled. He called him a "decayed liberal" who "can accept Russian Communism almost without reservations," and elsewhere wrote, "Macmurray is saying that Hitler is right."

To associate Blair with that would be grossly unfair, although there is a strongly authoritarian strain in his emphasis on communal duty and the collective. Margaret Thatcher was much abused for saying that "there is no such thing as society," when all she meant, in her finger-wagging way, was that individual men and women and their families are a concrete reality, whereas "society" is an abstraction too often used to justify another reality, state power. Though scarcely more of a socialist than she, Blair lacks Mrs. T's healthy, homespun distrust of the state. He has a very low conception of individual freedom—a point he made all too clear in one speech during which he denounced the forces that stood in his way, among them "libertarian nonsense."

Maybe the truth is that Blair, though quick and lucid, is in no real sense an intellectual. That might not be a bad thing. The last British Prime Minister about whom that word could be used was Sir Anthony Eden, who was not a happy advertisement for high intellect in high places: he lasted less than two years as Prime Minister, his career foundering on the rock of the Suez adventure, in 1956, which left the canal in Egyptian hands.

Clearly Blair is a smart operator, but how intelligent is he? Plenty of people who know him more or less well wonder about that. Barbara Cassani, an American, is in charge of the British bid to stage the 2012 Olympics in London. She was reported as saying, after having dined with Blair, "To be frank, he wasn't that bright ... [He] has this ability to make it seem as if he cares, but he didn't seem particularly knowledgeable about anything." Although Cassani has angrily denied the words, she was only seconding what was earlier said by the novelist Doris Lessing: "He believes in magic.

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That if you say a thing, it is true. I think he's not very bright in some ways." In an odd fashion, Blair himself almost confirms this. He once said, "When I was young, I paid more regard to intellect than judgment. As I've got older, I pay more regard to judgment than to intellect," which sounds nice, in a cracker-barrel way, until you stop to wonder what the difference between judgment and intellect actually is. Maybe the best thing to say is that his disposition is intuitive rather than analytical.

All of this connects with another characteristic. Blair evinces strong morality in principle but a tendency toward notably amoral behavior in practice. "Far from lacking conviction, [Blair] has almost too much, particularly when dealing with the world beyond Britain," said Roy Jenkins, a co-founder of the Social Democrats, not long before he died, with a touch of genial patronization (and of self-parody). "He is a little too Manichaeic for my perhaps now jaded taste, seeing matters in stark terms of good and evil, black and white." But Blair is not only Manichaeic, he is Antinomian. The quaint sixteenth-century heretics who took that name believed that "to the pure all things are pure," so if you were of the elect, you could eat, drink, and merrily fornicate in the certainty of salvation.

Very often Blair is like that—not in the eating and so forth, but in his belief that his inner virtue justifies whatever means he chooses to employ. Few Prime Ministers have ever been more sincere in their piety, and few have been capable of greater deviousness or even unscrupulousness. Richard Desmond is an entrepreneur who owns the *Daily Express*, a once famous national newspaper, but whose fortune was made in what is sometimes called adult entertainment, which is to say pornography. The flavor of the television channels he operates may be judged from the titles of the magazines he has owned, which include *The Very Best of Mega Boobs*, *Mothers-in-Law* (yes, really), and *Asian Babes*. Blair is not only a doting father and a devout Christian; he used to keep a file of clippings labeled "Moral chaos." The fact that he has more than once entertained Desmond at Downing Street is an extreme illustration of "To the pure all things are pure."

That Antinomian tendency leads further toward Blair's current travails. His understandable if sometimes morbid concern with communication—and what politician does not want to communicate with the populace?—has turned into its own justification. The means become the ends, the medium the message; Blair's politics, as Wagner unkindly said of Meyerbeer's music, is all effects and no causes. And yet by an absurd paradox, even though the members of Blair's inner court are rightly associated with media manipulation, they have been very bad at it. For all Campbell's reputation as a master of the black arts of spinning and news management, his record was a long series of presentational disasters and news-management foul-ups.

In the matter of Hutton, the whole miserable business began when Andrew Gilligan, a BBC reporter, said on the

radio (far too early in the morning for most people to have heard it) that the government had exaggerated the threat posed by Saddam Hussein's supposed weapons of mass destruction. Although clumsily expressed, this was in itself an elementary statement of fact, as nobody at all except Blair now denies. Campbell went ballistic (the phrase is more than usually apt). He began a vendetta against the BBC, and determined to "out" the official who had spoken to Gilligan. Although David Kelly, Gilligan's source, was subsequently smeared by Downing Street as a "Walter Mitty" figure, he was in truth an eminent government scientist working on WMD (and, in a bitter irony, a man who believed that the war on Iraq was justified). Unable to stand the pressure, Kelly killed himself. Hutton, a senior judge, heard from a multitude of witnesses in public before coming to what most people saw as the perverse conclusion that Downing Street was blameless.

And the consequence? What everyone now remembers isn't Lord Hutton's report, or the small inaccuracies in the charges against the government, but the fact that we were all misled over claims of WMD, and the brutal way Downing Street had outed Kelly in order, as Campbell so elegantly said, to "fuck Gilligan." Those words will be Campbell's epitaph, just as Jo Moore, another New Labour flack, has her own. She will be remembered ever after as the lady who, while the world was transfixed with horror by the images from New York on 9/11, sent an e-mail to a ministerial colleague suggesting that this would be a good day to get out any bad news "we want to bury."

Politicians are meant to be ruthless when necessary, and they are admired for it. Sometimes they are also "economical with the truth," or make use of what Kipling called "The truthful, well-weighed answer / That tells the blacker lie," or, in wartime, rightly employ the *ruse de guerre*, tactical deceit. But Blair gave new meaning to *ruse de guerre* with his elaborate campaign of disinformation about Iraq, designed not to mislead the enemy about the conduct of the war but to mislead his own people about its origins.

With all his burning conviction of righteousness, Blair has repeatedly found it difficult to avow what he was really doing and why. Even during the period from July of 1994 to May of 1997, when he was the leader of the opposition, he couldn't quite tell Labour just how far away he had moved from everything that the party had stood for over the best part of a hundred years, as the political voice of the organized working class, and as the proponent of managerial socialism.

Most of all, he never publicly admitted what he had learned from the 1992 election. That was an election that Labour had plausibly expected to win. The Tories looked tired and fractious after thirteen years in office, having gotten rid of Margaret Thatcher in a panic in November of 1990. Since then the Prime Minister had been John Major, of whom Enoch Powell once said to me, "I simply find myself

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asking. Does he really exist?" And yet the Tories won the 1992 election, taking sixty-five more seats than Labour. Labour had no excuses, either. The party had shed its left-wing thrall of the 1980s; it was led by the affable Neil Kinnock; and the third-party vote, which had previously been blamed for harming the Labour Party, had dropped. What had gone wrong?

For Blair there was no question. He was unique, I think, as the one Labour MP who recognized before the election that his party was going to lose and said so: naturally not in public but to trusted friends. In his view, the culprit was not Neil Kinnock but John Smith, Labour's economic spokesman, who had cheerfully proposed higher income taxes before the election. From that moment Blair resolved that no party he led would ever be associated with high direct taxes. What Smith also taught Blair, more broadly, was a political version of the Yiddish proverb "If you tell the truth, you get hit on the head." And so, however tough he seemed to be, Blair never quite leveled with his party and said, "Look, we live at the end of ideology; all the isms are wasms, and in particular socialism is stone dead. I want to make this a better and fairer country, but in a purely pragmatic way. My job is to make sure that government goes on, and to make small incremental improvements." This inability to be completely honest became a habit.

Blair is the one man on earth who could possibly have stopped the war in Iraq. It would have been far more difficult for Washington to embark on it if he had publicly voiced the misgivings of his country.

Even the "Blair Project" of which his acolytes used to boast was never quite spelled out, and one had to interrogate those acolytes to find out what it meant. Blair is oppressed by a sense that the progressive side in British politics was disastrously weakened in the past century by the rift between Liberals and Socialists, a rift he wanted to heal. The Social Democrats were founded by a group (including Jenkins) who bolted from Labour in the early 1980s when it was veering to the far left, and were eventually amalgamated with the Liberals as Liberal Democrats, and Blair's personal hope was to incorporate the Lib Dems into New Labour. More than that (although this, too, is something he expounded on more fully in private than in public), he wanted to make Labour a completely classless party, despite its name, and to end the class division in party politics, which predated the arrival of Labour. His philosophy was hilariously summed up on election night in 2001 by

Shaun Woodward, a former Tory MP who had defected in 1999 and wandered into Blair's Big Tent, as they like to call it, when he said that "New Labour is not a party for people of any particular class or any particular view."

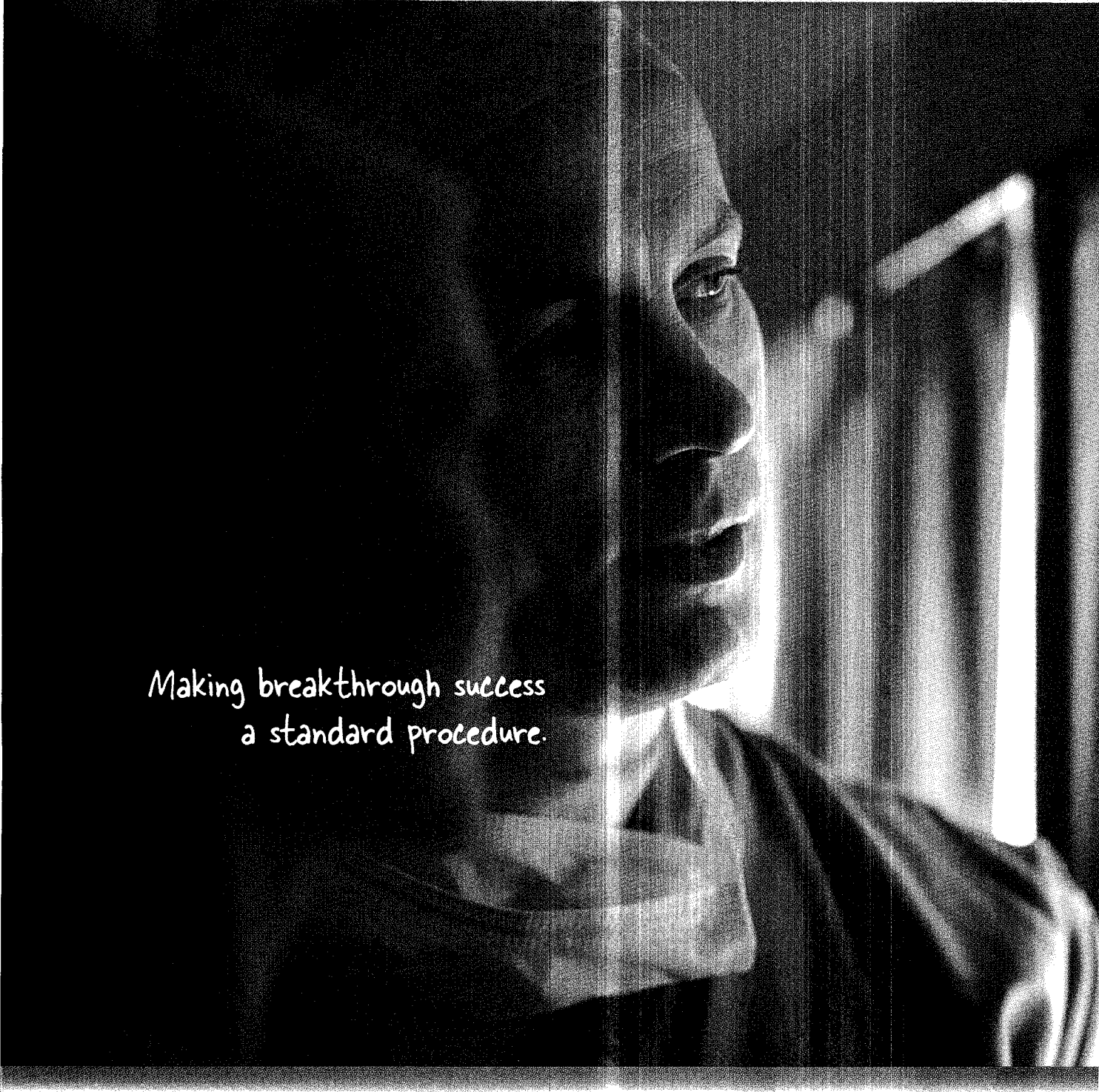
Whatever ruses Blair has adopted have come all too naturally to him. At one point when the WMD issue was blowing up in the Prime Minister's face (if nonexistent weapons can be said to blow up), John Prescott, the deputy prime minister, confronted the unruly MPs from his party, telling them vehemently, "The Prime Minister does not lie."

But he does. Or, at least, he has repeatedly said things that were not the case, often enough to suggest that he has genuine difficulty with the concept of objective truth. Some of his lies are trivial. Politicians like to add color and glamour to their résumés, and Blair was simply doing that when he claimed that as a boy he had been a stowaway on a plane bound for the Bahamas (for which there was no independent evidence), and had watched Jackie Milburn playing soccer for Newcastle (he would have been too young). It was much more alarming when Blair told a television interviewer that he had voted to ban fox hunting. The point was not the rights and wrongs of that highly contentious and emotive issue; it was that at the time the Prime Minister—or rather, the Member for Sedgefield—had never voted in the Commons on the matter one way or another.

This tendency to embroider, to persuade, and then to forget has repeatedly misled others and placed them in false positions. Blair claims to have learned from Bill Clinton, and in this regard he is a true pupil. When a politician takes a particular line, let's say by insisting that he did not have sexual relations with "that woman"; when he expects his colleagues to toe the same line and aver publicly that they believe him; when he then abruptly changes his story and admits that he did after all have an "inappropriate" relationship—then those colleagues are, in the hallowed phrase of Irish politics, left with their arses hanging out the window (not a posture Madeleine Albright can have found very dignified in the summer of 1998).

In Blair's case there is a long line of exposed posteriors. Roy Jenkins was the Grand Old Man of British politics—the sobriquet once applied to Gladstone, whose biography Jenkins wrote. He had befriended and admired Blair, and the feeling was apparently mutual: last year, after Jenkins died, at eighty-two, the Blairs went to his funeral, attending the family obsequies at a small village church rather than the huge memorial services held later in London and Oxford (among the mourners in the little church was Tina Brown, who sat through the service assiduously taking notes for her gossip column).

Might there have been a flicker of penitence on the Prime Minister's part that day at the way he had treated Jenkins? Before the 1997 election Blair had led Jenkins to believe that he would view sympathetically schemes for electoral reform, or proportional representation, which is for obvious reasons



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the Lib Dems' great goal. But Jenkins was fobbed off with the chairmanship of a commission, which predictably favored reform and was as predictably ignored by Blair. And one more backside dangling from the window was that of David Trimble, the leader of the Ulster Unionists. When Trimble subscribed to the Belfast Agreement, he thought he understood that if IRA violence continued, Blair would support him by punishing Sinn Féin, the IRA's political front. The violence did continue—and Blair forgot any understanding.

These are foibles of personality, obliquely linked to Blair's instincts. Rather than the mere recognition of the end of ideology and the decay of class-based politics, his real political insight may have been something greater—something that, once again, he couldn't publicly explain or avow, but that he instinctively grasped more than almost any other contemporary leader. In 1851 a coup d'état by the Frenchman who would call himself Napoleon III inspired Karl Marx's brilliant pasquinade "The Eighteenth Brumaire of Louis Bonaparte"; it also inspired a less well known reflection by another great writer. The coup "has physically depoliticised me," Charles Baudelaire wrote. "There are no

It may be worth asking whether America needs an unquestioning and uncritical supporter. Mightn't something be said for a candid friend, brave and clear-eyed enough to tell the all-powerful one when it is in error?

more general ideas." And he added, ominously, "*Si j'avais voté, je n'aurais pu voter que pour moi.*" ("If I had voted, I could only have voted for myself.") It turned out that there were plenty more general ideas around (and calamitous their consequences have often been), but those words have an amazingly prophetic ring in Tony Blair's England, though not there alone.

During the 2001 election campaign I read something truly eerie. The Prime Minister wins election while preaching the virtues of wealth creation, the free market, and a close alliance with the United States. Above all, this leader's gift is to have "understood the collapse of traditional ideology and its replacement by the populist values of the mass media." But this wasn't by an English writer, on Tony Blair; it was Umberto Eco's thoughts on the almost simultaneous election victory of Silvio Berlusconi.

But now consider the consequences of a depoliticized society in which traditional ideology has collapsed and voters more and more feel like Baudelaire. The British used to be among the most enthusiastic voters in any country. In the 1950 general election an astonishing 84 percent of

adult British citizens cast votes. Turnout remained well above 70 percent until the end of the century, still 72 percent in 1997. Then it plummeted. Although I was sure it was going to drop sharply in 2001, I had no inkling that it would reach 59 percent. Blair was elected last time by 25 percent of the electorate: a fact that might have given even him pause before he took his country into a controversial war. An explanation for the drop is not far from hand. If a politician achieves dramatic electoral success by emptying politics of its content, then it's natural enough if the electorate takes the hint.

And then there was Iraq. The war remains absolutely crucial to Tony Blair. With Iraq everything about Blair came together, not least his energy and bravery. Blair had often been accused of pandering to polls and focus groups; this time his courage could not be denied, even by those who thought it could have been directed at a better cause. But his failings surfaced as well: Iraq was the culmination of his Antinomian tendencies toward self-deception, misrepresentation, and "constructive ambiguity" (that complacent phrase used of the Belfast Agreement), all of which drove him to mislead his country for what he believed was the greater good. His war was a spin too far.

There might have been good reasons for invading Iraq, but the reasons Blair gave could not have been good, because they weren't true. And he was tactically unable to tell the truth. By now some kind of consensus presumably exists about how and why the war began. Almost since the end of the inconclusive Gulf War of 1991 a politically and intellectually formidable group of Americans had wanted a war in order to destroy Saddam Hussein. They might have been right. Some of them had been publicly advocating it—to their credit; there are no dark secrets here—for seven years. When they came to power, with George W. Bush, the story heated up. Planning for the war was under way starting with Bush's inauguration, in January of 2001, and 9/11 provided a pretext, rather than a genuine *casus belli*.

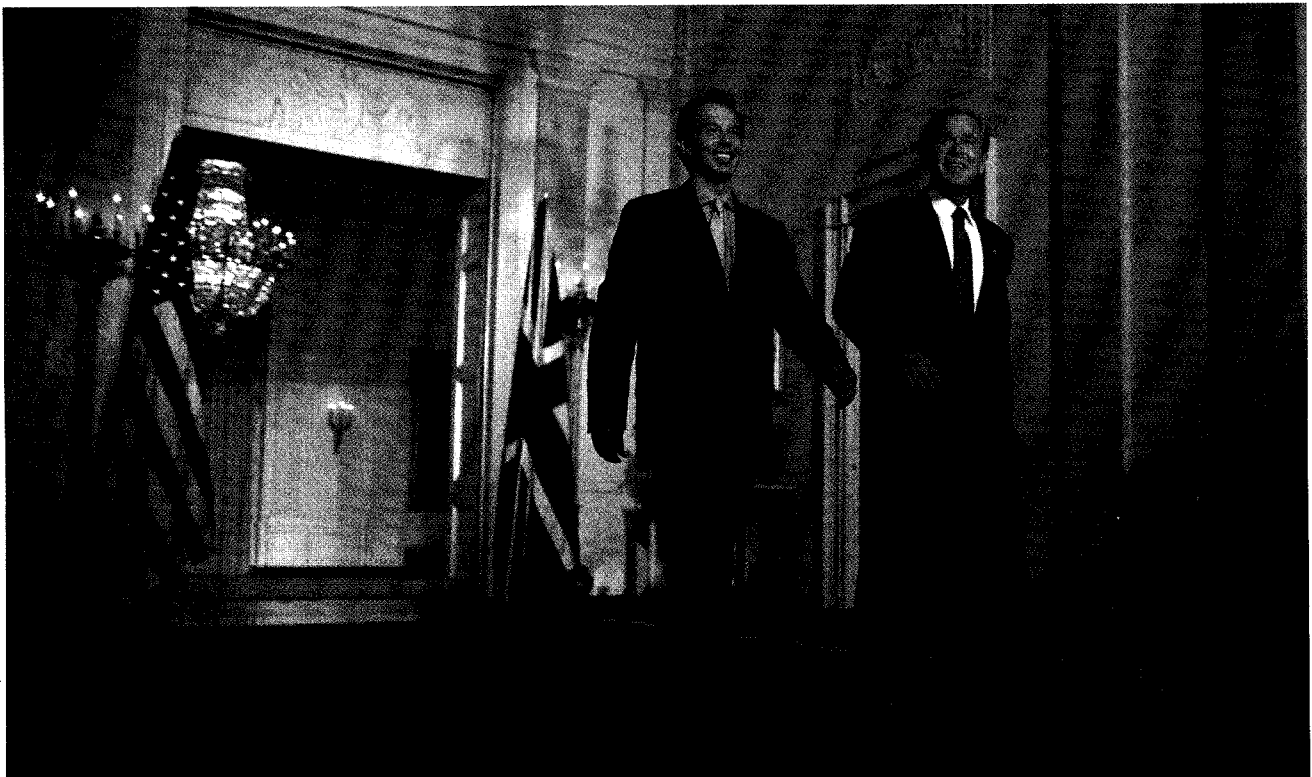
All of which is acutely relevant to Blair's position. Whereas Bush and his colleagues would scarcely bother to deny that they had long wanted to destroy Saddam, and that the purpose of the war was to effect regime change, Blair's entire case has been that the purpose of the war was not unseating Saddam as such but dealing with his weapons of mass destruction and the "serious and current" threat Iraq posed to British as well as American national interests, which became clear in the course of 2002. That is what he told the House of Commons in a powerful and chilling speech in September of that year, reinforced by the first dossier of supposed intelligence freshly garnered and analyzed.

But this position was false. Blair signed on to the war certainly no later than April of 2002, when he visited Bush in Texas. Indeed, Sir Christopher Meyer, who was the

British ambassador in Washington at the time, recently said in *Vanity Fair* that Blair was in effect told by Bush about the coming war—"when we have dealt with Afghanistan, we must come back to Iraq"—during a meeting only nine days after the attacks in September of 2001. Hence "the great over-arching fact about the war that Blair will never admit but cannot convincingly deny," as Hugo Young put it in one of his last, fierce, more-in-sorrow philippics, is that "he was committed to war months before he said he was." Not only was Blair's decision made long before he claims, but it was made by someone else, and for reasons other than those he has given. Jimmy Carter is scarcely an objective critic, but what he told the London *Independent* last March is hard to

would go to war in any case; and the clincher was that "it would be more damaging to long-term world peace and security if the Americans alone defeated Saddam Hussein than if they had international support to do so."

That is why British forces went to war, without the passage of a second Security Council resolution, which Rumsfeld and Dick Cheney regarded as a foolish distraction but which Blair had well-nigh promised Parliament; he was thus acting without the honest approval of most Labour MPs. Blair's logic may seem obscure (not "my country right or wrong" but "their country right or wrong"), and Americans will notice that its implications aren't very flattering: U.S. power untrammelled by allies is dangerous to long-term



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argue with: the decision for war was made in Washington, not London. Carter said, "It was that commitment of Bush that prevailed over, I think, the better judgment of Tony Blair," who probably knew that "many of the allegations were based on uncertain intelligence."

Strangely enough, Blair himself has come near to admitting this, if in a roundabout way. Shortly before the Iraq War began, he talked to the journalist Peter Stothard, who recorded the essential points of Blair's rationale. Saddam was a brutal tyrant who might yet be a danger to international peace (which is beyond argument), but the more pressing point was that the American people, "still angered by the 11 September attacks, still sensing unfinished business from the first Gulf war, would support a war on Iraq." Although Blair knew that the British people "would not even begin to support a war unless they had a say in it through the United Nations," it was clear from what he knew that President Bush

world peace. However it is dressed up, Blair was admitting that he no longer had an independent foreign policy at all.

Even now Blair defends his decision with the circular argument that the war "was the right thing to do," and he insists that Iraq is a better place today. Even if that is true, it is not why he told his country that it was going to war. He sometimes comes close to using the former Prime Minister Stanley Baldwin's line (as wittily paraphrased by the cartoonist Low): "If I hadn't told you I wouldn't bring you here, you wouldn't have come."

The liberal hawks who admire Blair give his game away. For the historian Michael Ignatieff, "The honest case for war was 'preventive'—to stop a tyrant with malignant intentions from acquiring lethal capabilities or transferring those capabilities to other enemies. The case we actually heard was 'pre-emptive'—to stop a tyrant who already possessed weapons and posed an imminent danger." Ignatieff added

morosely, "The problem for my side is that if the honest case had been put—for a preventive as opposed to a preemptive war—the war would have been even more unpopular than it was." As the English like to say, quite so. And in Blair's case it's not just a matter of popularity: if he had made "the honest case for war," he would never have won his vote in the House of Commons and could not have taken his country to war at all.

From September of 2002, when he adumbrated the coming war, to March of 2003, when the invasion began, Tony Blair and his government said a number of fascinating things, notably in what has come to be called the "dodgy dossier," a simply grotesque document that was meant to represent fresh evidence of WMD but that Alastair Campbell and his gang had in fact largely patched together from sources found on the Internet, misprints and all. But two things in particular that Blair said were especially curious.

He claimed that he was doing everything he could to work for peace, at a time when it was perfectly obvious that he was doing everything he could to work for war. And, acutely conscious that he was being portrayed as an American stooge, he said that, if necessary, he himself would have urged the war on Washington. Leave aside the sheer implausibility of that claim. If it was true, why hadn't he? After all, Blair became Prime Minister only three months after Clinton's second inauguration, when Bush still had almost four more years in Austin. Why did he not advocate war—preventive or preemptive, as he chose—against Saddam then?

Whatever Iraq has done for Blair's international standing, it has been disastrous for his standing in his own country. A recent biography by Philip Stephens, of the *Financial Times*, written specifically for American readers, echoes Paul Berman's phrase in its title: *Tony Blair: The Making of a World Leader*. The weary British electorate might well respond, "It's all right for you Blair Democrats, but we didn't vote for a world leader. We voted for someone who'd make the bloody schools and hospitals and trains work." The British have had a long and fraught history as a great power at the heart of a vast empire; now they want a quiet life tending their own garden.

Not just tragic, Blair's domestic position is almost ludicrous. Ten years ago he won the leadership of his party by a characteristic maneuver, neutralizing Gordon Brown, his one serious rival, over dinner at Granita, a restaurant in Islington that as a result has entered the topographical dictionary of English politics. What was concluded in "the Deal" has been the subject of dispute, and rancor, ever since. Blair clearly said that he would make Brown Chancellor of the Exchequer if and when he became Prime Minister, and he may have made a vague promise that Brown would succeed him one day.

All this, the conventional wisdom holds, showed Blair at his most guileful, and the conventional wisdom is wrong, as

usual. The novelist and political commentator Robert Harris has pointed out that the Deal was the worst mistake Blair ever made. "What he should have said was: 'Look, Gordon, you want to be leader of the party, and so do I, so why don't we both stand? Why doesn't each of us pledge to respect the outcome of the ballot and work loyally for whoever wins? If he had done that, he would have called Brown's bluff and established himself as master in his own house once and for all.'" Blair didn't do that, and apart from encouraging a rivalry that has festered ever since, he completely surrendered to Brown all control of the management of the economy—including the crucial decision on when to adopt the euro, which Blair has always paraded as one of his great ambitions.

Talking on a BBC discussion program in March, Harriet Harman, the Solicitor General, inadvertently called Brown the "Prime Minister." While everyone guffawed, she blushing corrected herself; from such slips Freud built a thesis. As far as domestic policy is concerned, her slip is true enough: weird though it is, Blair may be "the Prime Minister of the United States," but for the most important purposes Brown is the Prime Minister of Great Britain. Even before the Iraq War, Blair was close to being what Lord Beaverbrook called Lloyd George, a Prime Minister without a party. Today he may not be quite a lame duck, but at home he increasingly seems to be, as another cruel phrase has it, "in office but not in power."

How far Blair recognizes this is not easy to judge. Both in public and in private he seems sometimes to be retreating into denial. He must be one of the last British citizens who still think that the fabled WMD will yet turn up in Iraq, and he has refused to acknowledge the degree to which he misled Parliament and country. Talking to friends last year, he spoke of resurrecting the idea of a liaison with the Lib Dems, and of holding a referendum before the next election on adopting the euro—both ideas that were by then so purely fantasy as to cast doubt on his grip on reality.

Nor has he grasped the degree to which his policy of engagement in Europe is in complete disarray. This was emphasized by the Spanish election in the wake of the Madrid bombings, which deposed his friend and fellow Iraq warrior José María Aznar and replaced him with a Socialist, ostensibly a political soul mate of Blair's but in reality hostile to him, and not only over the war. There is no prospect at all of adopting the euro in the immediate future, and Blair's other boast, of acting as a bridge between Europe and America, does not look convincing either. The German Chancellor Gerhard Schröder once said sarcastically that the traffic on Blair's bridge goes in only one direction—and that was before last year, when it seemed that London's bridge had fallen down.

None of this means that Blair is finished politically. He was and remains in many ways as accomplished a politician and tactician as his friend Bill Clinton—and, for that matter,

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as his newer friend George W. Bush, to whom he so nimbly transferred his allegiance, though that switch has presented difficulties. Members of the government have been told to observe a Trappist silence on the subject of this November's election: if they want John Kerry to win, they must keep it to themselves. It's not at all clear that Blair would prefer the Democrat, such are the strange whirligigs of contemporary politics.

As to his own next election, next May or whenever it comes, Blair is still a clear favorite. He has outlasted three Tory leaders—John Major, William Hague, and Iain Duncan Smith—and does not seem too much troubled by the considerably more skillful Michael Howard, even though the opposition has been harrying the government to considerable effect over immigration and the planned constitution of the European Union, which Blair would like to ratify but very much does not want to put to a referendum, because he isn't confident of winning one.

If he does beat the Tories again, Blair will match Margaret Thatcher's feat, so far unique since the 1832 Reform Bill, of winning three consecutive parliamentary elections. But that could prove just another hollow victory. Most British people are discontented with the government, and yet they are mostly better off than they were seven years ago, and mostly contented with their own lives. They have been silently offered, in the famous phrase, private

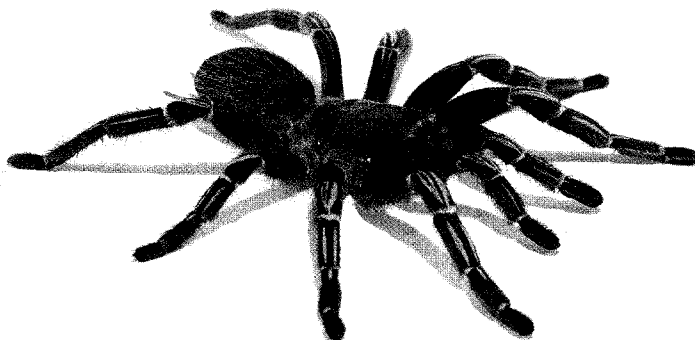
affluence and public squalor, and have silently accepted them. They are happy enough, but say that they neither trust nor admire the Prime Minister.

Lately Blair has taken to using several transatlantic phrases: just as his religion makes him far more at home in American politics, so he has borrowed from American jargon of the moment. The war was the right thing to do, and "history will be my judge"; we must draw a line, and move on. But in a democracy it's not history but voters who judge the leaders, and it is also voters who decide when to move on.

All that is the British side of the story; but, just as Blair's aura once wafted across the Atlantic, so his shadow, too, now falls over America—the shadow of failure, which affects those in every country who so much admired him. Maybe political careers do end in failure, or maybe, as Orwell still more bleakly said, every life is a defeat seen from the inside. But there are particular characteristics to some defeats which speak of deeper disappointment. Those most disillusioned by Blair's career are those who believed he really was something quite out of the ordinary: the dejection is the greater because he promised so much.

He had been right in so many ways. Much of the empty rhetoric of Blair's followers is easy to laugh at, but he was absolutely correct about the death of state socialism, and the larger end of ideology. He intuitively perceived the

{ *Oh, what an untangled web of opportunity we weave.* }



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decline of political engagement, and even profited by it. But that has come back to haunt him. So dismayed is the Blair government now by the falling turnout that it is running fatuous ad campaigns to persuade people to vote. It seems not to occur to the Prime Minister that there might be a connection between his government's manipulative cynicism and the cynicism of the populace. Just possibly he has always, at some level of consciousness, believed everything he has said, about watching Jackie Milburn play soccer, about voting against hunting, about terrible Iraqi weapons ready for deployment in forty-five minutes. The result is that everything he says or does is now greeted with suspicion, so that even his visit to Tripoli was widely taken as a publicity stunt, to show that Libyan compliance was a result of the Iraq War.

And for all the flattery heaped on this "friend" when he visits the White House and Congress, Blair's loyalty to Washington has brought him few positive rewards there. The Bush Administration's response to Blair's Churchillian defiance following 9/11 was to impose a tariff likely to wreck what was left of the British steel industry. There is absolutely no sign of any serious American re-engagement with the Israeli-Palestinian peace process—something Blair had assured his supporters would follow from the overthrow of Saddam—and President Bush could not be persuaded even to look in on Northern Ireland during his lightning Irish visit. Blair

bet his career on Iraq but has no chips to cash in. From an English perspective, it looks very much as if this time he is the one left with his arse out the window.

From an American perspective, it may be worth asking whether at this moment, in the extraordinary new unipolar world with the United States as an unrivaled military hyperpower, America needs an unquestioning and uncritical supporter. Mightn't something be said for a candid friend, brave and clear-eyed enough to tell the all-powerful one when it is in error? Not very long ago America took Blair to its heart. Now the Washington war party comes close to treating him as a "useful idiot," and Americans opposed to the war are bitterly disappointed in him. As for the liberal hawks, they must surely grasp the hideous paradox Blair embodies: in order that democracy hypothetically or in theory be brought to the Middle East, it has actually and in practice been very gravely damaged in Europe, above all in the country that used to be called the mother of parliaments.

At a time when representative government is not looking in good shape in America (or so many Americans evidently think), and when much of the world is dismayed by the path America is taking, Blair could have offered an alternative vision of political honesty, domestic accountability, and international humility. Instead the man who not so long ago seemed a new ideal in himself now stands alone, truly a great tragic figure. ▀

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PLAYING DIRTY

This year's presidential campaign is already shaping up to be even more negative than the last. That's no accident. Our correspondent looks at the cloak-and-dagger world of opposition research—the updated version of “dirty tricks”

BY JOSHUA GREEN

Illustrations by Steve Brodner

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As voters turn their attention toward the coming presidential election, an abiding question from the previous one frustrates Democrats: How is it, they wonder, that Al Gore told small fibs and was branded a liar while George W. Bush told big ones and was elected President? Gore's many exaggerations may have been foolish—that he had somehow invented the Internet, that he grew up on a Tennessee farm, and so on. But surely, this line of thinking goes, they paled alongside Bush's audacious claim that he could cut taxes by \$1.3 trillion, effortlessly privatize Social Security, and still balance the budget.

A large part of the answer can be found in a BBC documentary titled *Digging the Dirt*, which was filmed during the 2000 campaign and never aired in the United States. The film centers on a team of Republican opposition researchers—a species that has existed in politics for eons but had recently undergone an evolutionary leap. From deep within the Republican National Committee headquarters the BBC tracked the efforts of this team, whose job it was to discredit and destroy Al Gore.

Political campaigns always attempt to diminish their opponents, of course. What was remarkable about the 2000 effort was the degree to which the process advanced beyond what Barbara Comstock, who headed the RNC research team, calls “votes and quotes”—the standard campaign practice of leaving the job of scouting the target to very junior staff members, who tend to dig up little more than a rival's legislative record and public statements. Comstock's taking over the research team marked a significant change. She was a lawyer and a ten-year veteran of Capitol Hill who had been one of Representative Dan Burton's top congressional investigators dur-



ing the Clinton scandals that dominated the 1990s: Filegate, Travelgate, assorted campaign-finance imbroglios, and White-water. Rather than amass the usual bunch of college kids, Comstock put together a group of seasoned attorneys and former colleagues from the Burton Committee, including her deputy, Tim Griffin. “The team we had from 2000,” she told me recently, to show the degree of ratcheted-up professionalism, “were veteran investigators from the Clinton years. We had a core group of

people, and that core was attorneys.”

Comstock combined a prosecutor's mentality with an investigator's ability to hunt through public records and other potentially incriminating documents. More important, she and her team understood how to use opposition research in the service of a larger goal: not simply to embarrass Gore with hard-to-explain votes or awkward statements but to craft over the course of the campaign a negative “storyline” about him that would eventually take hold in the public mind. “A campaign is a lot like a trial,” Comstock explained. “You want people aggressively arguing their case.”

Maligning an opponent, even with his own words and deeds, is a tricky business; voters take a dim view of “negative” politics, and are liable to punish the campaign carrying out the attacks rather than the intended target. *Digging the Dirt* provides a rare glimpse of how political operatives have learned to use the media to get around this problem, by creating a journalistic black market for damaging stories. During the first debate between Gore and Bush, in October of 2000, the BBC crew stationed itself inside the RNC's war room, filming researchers as they operated with the manic intensity of day traders, combing through every one of Gore's statements for possible mis-statements or exaggerations. The researchers dis-

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covered two (Gore erroneously claimed never to have questioned Bush's experience, and to have accompanied a federal official to the site of a Texas disaster), and immediately Tim Griffin tipped off the Associated Press. Soon the filmmakers would catch the team exulting as the AP took the story.

Similar scenarios occurred countless times, on both sides, during the campaign. The operatives' sophisticated understanding of the media and their ability to manipulate the reporting of political news helps explain how Gore's public image shifted from that of stiff but competent technocrat at the outset of the campaign to that of serial exaggerator who would say anything to get elected. The steady stream of stories reinforcing this notion took its toll—a fact neatly documented by the filmmakers' shot of the *New York Post* after the debate: Gore beneath the headline "LIAR! LIAR!"

What Bill Clinton referred to as "the politics of personal destruction" has become grimly respectable. A decade ago opposition research was largely the domain of college kids. Today it is run by seasoned investigators.

One film scene of the debate-night frenzy captures the prevalent attitude in national politics. As he directs the investigation of Gore's statements in real time, Griffin, standing next to a sign that reads ON MY COMMAND—UNLEASH HELL (ON AL), pauses for a moment to reflect on his role. "We think of ourselves as the creators of the ammunition in a war," he says. "We make the bullets."

The Gore campaign also deployed researchers, directed by Chris Lehane, who made his name spinning for the White House during the Clinton scandals and who by reputation is the most feared and loathed Democrat in the "oppo" world. Under Lehane the campaign portrayed Bush as an amiable dunce—a charge supported by many of Bush's actions but one that backfired, by so diminishing expectations that Bush prospered in the debates that doomed Gore.

After Bush's victory Comstock moved on to the Justice Department, and Griffin turned his considerable skills to prosecuting federal drug and firearms cases. Not long ago the RNC brought Griffin back in anticipation of this year's election, and in an indication of just how closely research and communications are intertwined, took the unusual step of bestowing two titles on him: director of opposition research and deputy communications director. From the same room in which he brought down Al Gore, Griffin is leading his team against John Kerry.

The campaign against Gore illustrates how what Bill

Clinton referred to as "the politics of personal destruction" has become institutionalized and grimly respectable. Clinton popularized the phrase during his impeachment, when public disgust over years of scandal and partisan warfare had peaked. To avoid backlash, campaigns have become much more careful about attacking their opponents. Shrewd politicians can exploit this anger and still engage in hardball tactics—as Bush did by pledging to be "a uniter, not a divider," even as colleagues unleashed hell on Gore.

A decade ago opposition research was largely the domain of college kids. Today it is a profession run by seasoned investigators, most of whom learned their craft on one side or another of the Clinton scandals (Comstock, Griffin, and David Bossie for the Republicans; Lehane, his partner Mark Fabiani, and Kerry's research director Mike Gehrke for the Democrats). The elite purveyors of "personal destruction"—whom Clinton both feared and employed—have become the leading lights in the low-lit world of opposition research. The prosecutorial tactics and general savagery honed during the Clinton years are the hallmarks of their work. Instead of at high-profile congressional hearings, these battles are conducted from the shadows and waged mostly through the media. As the 2000 election showed, Republicans are particularly adept combatants. Moreover, in John Kerry they have the advantage of an opponent who is largely undefined in the public's thinking. And as in 2000, the election will depend a great deal on how successful Republicans are at the dark art of opposition research.

Democrats may not have been successful using research against Bush, but they have fared much better deploying it against each other. One prominent Democrat has already fallen victim this year—though the attack was orchestrated within his own party. By last fall Howard Dean had achieved the unlikely status of front-runner in the crowded race for the Democratic nomination. Yet for all his popularity, the public knew little about him. He had built a following almost overnight, mainly because of his strident opposition to the Iraq War and a visceral anger toward the Bush Administration that other candidates were thought to lack. By the time Gore endorsed him, on December 9, Dean's victory in the upcoming primaries seemed assured.

That same week Ben Holzer, the research director for General Wesley Clark's campaign, arrived with Lehane, who was then working for Clark, in Washington, D.C., for a series of visits to the major television networks, newspapers, and newsmagazines. They toted a three-ring binder that contributed as much as anything else to Dean's rapid demise. The Clark campaign had classified the stories in it as singles, doubles, triples, or home runs, based on the damage they were expected to inflict. Holzer and Lehane offered producers and reporters exclusives on many of these



stories with the proviso that if they were not used quickly, they would be handed to a rival. In the hypercompetitive world of political journalism this pretty much guaranteed swift airing or publication.

Gore's surprise endorsement marked the Dean campaign's high point. Six days later, on December 15, Dean declared with typical candor that the capture of Saddam Hussein "has not made America safer"—a comment that stirred public doubts about his fitness for the presidency and also about his increasingly visible hotheadedness and frequent gaffes. Against this growing uncertainty the Clark campaign set off a barrage of stories portraying Dean as hypocritical, dishonest, and incompetent. According to interviews with reporters, producers, and campaign staffers, these are some of them. (Lehane and Holzer, citing promises of confidentiality to reporters and producers, would neither confirm nor deny that these stories originated with the campaign.)

- On December 4 the *Boston Herald* reported that although Dean cited the privacy of others in his refusal to release his gubernatorial papers, he had made public documents identifying individuals suffering from depression and

Alzheimer's. This led to later disclosures of constituents who were HIV positive.

- On December 19 the Associated Press reported that although Dean frequently blamed rising property taxes on President Bush's tax cuts, such taxes had skyrocketed in Vermont while Dean was governor.
- That same day *The Boston Globe* reported that Dean had signed legislation providing tax breaks to Bermuda-based insurance companies. Just a day earlier Dean had delivered a speech criticizing companies that dodge taxes by incorporating in Bermuda.
- On December 27 the Associated Press reported that although Dean had criticized Bush for giving unnecessary tax breaks to large corporations, he had signed legislation that conceded more than \$80 million to such firms.
- On January 3 the Associated Press reported that although Dean had attacked Bush for weakness on homeland security, during his time as governor he was warned repeatedly about lax security at the Vermont Yankee nuclear plant, which received the worst security rating of all the nation's 103 reactors from the Nuclear Regulatory Commission.
- On January 11 a 1998 Associated Press story the Clark

campaign had disseminated about the absence of minorities in Dean's cabinet became national news when Al Sharpton repeated the charge during a debate.

With negative stories cropping up throughout the media, the aura of inevitability that had so recently distinguished his campaign gave way to a strong sense that Dean was unprepared for national office. "It was absolutely brutal," Jay Carson, a spokesman for Dean, told me recently. "We were fielding four or five bad stories a day, and there were other stories percolating that we were frantically trying to kill or keep a lid on. When you're defending yourself on five or six fronts at once, every day, it's extremely difficult to talk about what you want to be talking about."

The revelation that George W. Bush was once arrested for drunk driving was, it is widely believed, a particularly devious plant by the Gore campaign. "You can't Botox your record these days," one senior Republican researcher says.

The Clark campaign did not single-handedly destroy Dean; Saddam Hussein's capture, Dean's frequent outbursts, and a flurry of negative TV ads by Richard Gephardt's campaign all contributed. But the Clark campaign could certainly be charged with aiding and abetting Dean's collapse. Polls in late November put Dean solidly in first place, with 32 percent of Iowans supporting him. The battered candidate finished a distant third in the January 19 caucuses, garnering just 18 percent of the vote. The damage to Dean may have inadvertently sabotaged the Clark campaign. Its purpose in attacking Dean had been to diminish his stature in New Hampshire, where Clark, who did not compete in Iowa, was running a strong second. But Dean's implosion gave Kerry an unexpected and resounding victory that vaulted him into the lead in New Hampshire. Clark finished a disappointing third and soon dropped out of the race.

Attempting to define a political opponent as something less than presidential is a hallowed American tradition. Two centuries ago, in attacks that echo in Republican characterizations of John Kerry, Federalist opponents assailed Thomas Jefferson with what amounted to the charge that he—a free-thinking deist who sympathized with the French Revolution—was in fact a godless Francophile bent on destroying the institution of marriage. Andrew Jackson's marriage to a woman he wrongly believed to be divorced, Grover Cleveland's illegitimate child, and Teddy

Roosevelt's alleged drunkenness were all pushed by opponents during nasty presidential campaigns.

After Watergate and Nixon's dirty tricks, carrying out surreptitious attacks, even those based on the truth, took on a measure of risk. During the 1987 race for the Democratic nomination Michael Dukakis's campaign manager, John Sasso, and his political director, Paul Tully, slipped to several media outlets a videotape that showed an opponent, Senator Joseph Biden, delivering a speech partially plagiarized from the British Labour Party leader Neil Kinnock. This prompted further scrutiny, and subsequent revelations of plagiarism and academic exaggeration drove Biden from the race. When it was learned that his campaign had supplied the damaging tape, Dukakis felt compelled to call a news conference and later fired his aides.

In the years since, standards governing the pursuit and dissemination of such material have steadily diminished. Today not only do campaigns commonly distribute videotapes and other damaging information about opponents but "trackers" with video cameras follow enemy candidates for the explicit purpose of capturing embarrassing moments. Had Sasso and Tully plied their trade a bit later, they would be high-priced consultants with guest slots on *Crossfire*.

Oppo lore includes legendary "hits" brought off both before and after the Biden scandal, and many more that are less well known because the agents remained covert. In 1984, for example, Michael Bayer, the RNC research director, was digging into the vice-presidential candidate Geraldine Ferraro's past and obtained a list of properties owned by Ferraro and her husband. On a hunch Bayer, a former military intelligence officer, sent a photographer to take pictures of one warehouse loading area. He discovered that one tenant was a pornography distributor—a fact that soon made its way into *The Washington Post*. In the 1992 Senate race in California, Bob Mulholland, a state Democratic Party official, learned that the Republicans' morality-and-values candidate, Bruce Herschensohn, frequented a Sunset Boulevard strip club. Four days before what looked to be a close election, Mulholland confronted Herschensohn at a campaign event waving a poster-size photo of the club and its marquee: LIVE NUDE—GIRLS, GIRLS, GIRLS. Last July, Representative Darrell Issa, who launched the campaign to recall the California governor Gray Davis, was revealed in a front-page *San Francisco Chronicle* story to have been arrested twice in the early 1970s, for weapons charges and auto theft—a story that was the handiwork of Davis researchers. And although no one has yet proved it to be so, an article of faith among Republicans (and some Democrats) is that the revelation on the eve of the 2000 election that George W. Bush was once arrested for drunk driving was a particularly devious plant by the Gore campaign. "You can't Botox your record these days," Comstock says. "You can't hope anymore that no one will go in and look."

It is perhaps not surprising that oppo research is among

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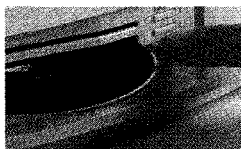


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the more reviled professions, its practitioners held in about the same regard as spammers and ivory smugglers. This breeds defensiveness and a tendency for researchers to invoke a variation of the NRA claim that guns don't kill people, people kill people. Lehane says, "One of the greatest misperceptions is that opposition research is going out and finding stuff that's not already in the public domain. But the reality is that most of the stuff that really ends up having an impact is stuff that's out there in the public record." Two years ago a Democratic researcher named Jason Stanford was moved to write an article in the trade journal *Campaigns & Elections* that was as notable for its impassioned defense of his vocation as for his candid admission that rather than admit to her son's line of work, his own mother tells people he's a used-car dealer.

In his basement a former Republican investigator proudly showed me dozens, perhaps hundreds, of boxes marked "HILLARY: WHITEWATER" or "HILLARY: TRAVELGATE." He called them the "Sierra Madre of Hillary oppo."

The proliferation of cable television and talk radio, the advent of the twenty-four-hour-a-day news cycle, and the growth of the Internet have all increased the demand for political news and pushed the boundary of what is acceptable. Both parties now disseminate daily e-mails with headings such as "Sen. John Kerry's Hypocrisy, Vol. 1, Issue 10" and "Bush White House: Home of the Whopper," which contain quotations, links, audio, and even video of what is often accurately judged to be damaging or compromising information. Contrary to the popular impression that campaigns traffic mainly in sleaze and rumor (though this occurs too), these e-mails are almost always scrupulously sourced from the public record. The goal is not to spread untruths but to have journalists repeat a selective—and often deeply misleading—version of the truth. "We become a conduit," Comstock says. "We do the legwork for the reporter. Obviously, in doing it we tell a story from the Republican side."

Campaigns have become highly sophisticated at using such material to maximum effect. "It's a lot like a trial," Comstock explains. "The candidate gives you what you have to work with. You're piecing things together that tell a larger story." Lehane agrees that the first step is choosing a negative storyline to push and laying the groundwork by talking it up to beat reporters and editors. "The second step," he says, "is to catalogue a variety of stories you have

that support this. You begin by planting some smaller stories so that you build a foundation or basis for the larger story you're going to want to have hitting in the fall."

Especially in a presidential election "you have to plant a lot of the seeds in the spring and the summer so that you can capitalize on it," Lehane says. "If you have a big story that's going to hit in the middle of September, middle of October, what you really want to do is build several things that come off of the story so that it's not just a one-day hit. If the story runs on the front page of a major paper, you also want to set it up so that it hits some of the television morning shows, and from there you want to have surrogates [friendly talking heads] out the next day, so that you get a second hit. On the third day, ideally, you have some additional information you've been holding back that you can feed into it [to prompt] another round of stories. On the fourth or fifth day you try to hold your candidate back from saying anything, so that eventually, when he does say something about the issue, you get another round of stories. If you do it effectively, you can basically wipe out a guy's entire week—he'll spend the entire week responding to a story that showed up on a Monday." In the heat of the campaign season each week is critical. Not only can a well-orchestrated hit knock an opponent off stride, it can solidify an impression that the many voters just tuning in to the election will carry into the voting booth.

Implicit in this process is the news media's cooperation in carrying out the work of campaign operatives—usually without disclosing that fact to readers and viewers. If gathering opposition research is a science, disseminating it is very much an art. "Usually you can find stories that match up with the dynamics of different media outlets," Lehane explains. "If you have videotape, you take it to a television outlet. If it's a complicated financial story, you take it to *The Wall Street Journal*. Something on special interests you take to *The New York Times*. It's all part of the process."

"We believe in a twenty-four-seven news cycle," says Ken Mehlman, the Bush-Cheney campaign manager. "A typical presidential re-election campaign focuses on running good ads, turning out the vote, and the fact that the President is the President. We have a fourth tier: we need to earn media as well. We need to create events that convey a message to reinforce our paid message. That's a big part of what we're doing."

It would be tough to find a better illustration of opposition-research strategy than the carefully stage-managed controversy that ensued from an RNC ad during the 2000 campaign. Over the summer a retired machinist volunteering for the Gore campaign in Washington State saw the word "rats" flash across the screen in an ad attacking the Vice President's prescription-drug plan. Mark Fabiani, the Gore campaign's communications director, intrigued but not yet convinced of malfeasance, had colleagues in other television

markets record and examine the ad. When they discovered that the “rats” frame appeared in all of them, the campaign offered an exclusive to the *New York Times* reporter Richard Berke. “We compiled all the legal documentation on subliminal advertising—how the FCC has declared it deceptive,” Lehane told me. “We identified a couple of experts who would attest that the stuff was not appropriate. We packaged all this.” His team brought Berke over to a studio to watch it. The *Times* was convinced, and prepared to publish the story on its front page. But the campaign thought the story’s visual element could be exploited too. Lehane notified several television correspondents traveling with Gore that a major story was breaking, and assembled them in a hotel bar around midnight, just as the story from the next day’s *Times* was posted on the Web. The correspondents determined in which order they would be allowed up to the room that was serving as a studio. “First we showed them the *Times* article, then we played the tape at three different speeds, then we gave them all the background information,” Lehane says. “The TV networks went nuts.”

The taped evidence provided a compelling visual for television. Bush, appearing the next day on *Good Morning America*, was bombarded with questions about the ad, and fueled further stories by repeatedly mispronouncing “subliminal.” Lehane continued, “The next day we had surrogates out calling for its removal, calling on [the RNC] to fire their ad guy. The third day we had some Democratic senators call for an FCC investigation”—to clarify rules about subliminal advertising. “There was enough over the course of the week that they were knocked completely off message.” It was a triumph of opposition research.

No single outlet is as valuable in merchandising campaign stories as the Associated Press. “If you want the biggest bang for the buck, you get it in the AP,” an experienced Democratic operative says. “They have fifteen hundred plus subscribers, so you get them to run it, and it runs everywhere. It’s also easier, because AP doesn’t have the same space limitations as the other outlets. They’re running thirty stories a day on politics. And if they break it, the thinking is that it must be important and worth covering.”

Indeed, handling the Associated Press plays an ongoing role in plotting campaign strategies. Because candidates nowadays are expected to launch their bids with at least a pro forma pledge to run a clean campaign, and because “going negative” can quickly alienate voters, the AP has become a vital channel of attack. Offensives can be executed in two ways. The first is through the more or less straightforward leaking of information that will prompt a negative story. Jason Stanford says, “It’s easy to move stuff into the news media, because conflict is always a better story.” Strategists know which reporters are the easiest marks when it comes to placing stories. The second is the more complicated ricochet attack. “You try to give an item to the press,” the Republican

consultant John Brabender recently told me, “and if they write a story, there’s the basis for your ad. You’re trying to create a headline you can use in your ad.”

Such paid advertisements can make a significant difference in many races. But presidential campaigns are covered so thoroughly that political ads have minimal impact—and what influence they do have appears to be waning. Brabender has written that it can take three times as many airings as it did just a few years ago for an ad to register with viewers: “Voters are so inundated through increased TV buys, an endless barrage of automated phone calls, mailbox clutter, and heavy usage of new mediums such as email that voters can’t keep up with all the messages ... and don’t particularly want to.”

“Presidential campaigns are not won or lost on paid TV,” says Josh Lahey, a Democratic strategist and researcher. “They’re all about free media, so there’s even more of a priority.” The payoff for a successfully placed item is the effect of the story itself in influencing media coverage. This accounts for the intricate methods of story-laundering by which campaigns avoid the taint of open negativity while gaining legitimacy from a seemingly impartial media outlet.

This year one more factor is driving the search for new negative modes. Campaign-finance laws now require candidates to attach personal endorsements to their television ads. Like cheery pharmaceutical ads with rushed disclaimers at the end, political ads now include a soft-focus shot of the candidate solemnly intoning, for instance, “I’m John Kerry, and I approved this message.” The disclaimer significantly raises the chances that a truly vicious attack will boomerang on the aggressor, and few campaigns will take that risk.

The legendary—and legendarily ruthless—Republican political consultant Lee Atwater hewed to the adage that a campaign should frame its opponent before the opponent can frame himself. Democrats are limited in what they can do to President Bush, who has been publicly scrutinized for years and about whom most people already hold a firm opinion. (And they will be without Lehane, who initially worked for Kerry but had a bitter falling out and quit over the campaign’s lack of aggressiveness toward Dean.) As much as anything, this campaign will be a battle to determine how John Kerry is framed in the public mind: polls show that 40 percent of Americans have not yet developed an opinion of him. Will he be a tough moderate who can restore fiscal discipline and frayed U.S. foreign policy? Or will he be a soft-on-terrorism Massachusetts liberal in the mold of Ted Kennedy and Michael Dukakis? The research that will help settle that question—what Tim Griffin might call “bullets”—is already being conducted and passed around.

“It’s a science to know where to look, what to look for, and how to look for it,” David Bossie told me recently. Bossie, who was forced off the Burton Committee for being too

aggressive, is now the president of the conservative organization Citizens United and an independent researcher, though no less committed to the cause. When I visited his Capitol Hill townhouse not long ago, he was surrounded by stacks of Kerry files, busily scrutinizing Kerry contributors' business dealings for a forthcoming book.

Kerry was clearly not Bossie's first choice of nominee. In his basement he proudly showed me dozens, perhaps hundreds, of boxes marked "HILLARY: WHITEWATER" or "HILLARY: TRAVELGATE." He called them the "Sierra Madre of Hillary oppo," regretfully adding that what could have been "ready to roll in twenty-four hours" will now have to wait until 2008.

Nevertheless, Bossie is applying the lessons he learned from the campaign-finance scandals of the 1990s to his research on Kerry—specifically, that financial investigations yield a valuable paper trail, hard documents being the gold standard of research. "People have to sign on the dotted line," he told me. "And you can find the person who signed the deed, the tax document, the financial instrument at the bank, and then go after them and say, 'Hey, what happened here?' It always comes back to haunt them."

Opposition research will be the key, and hidden, factor

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The gun is fun because it shoots
clear piss. You point and pee on leaves,
on ants, on flowers yards away.
You spray the sun and make rainbows
that melt away in instant rain.
You sprinkle dust along a step
and scare the cat again and hit
a June bug like a Messerschmidt.
And when the gun is almost dry
you place the barrel between your lips
and close your eyes and fire a sip.

—ROBERT MORGAN

*Robert Morgan's latest collection is
The Strange Attractor: New and Selected Poems (2004).*

in the campaign. But it can burn campaigns that are too eager to deploy it. Gray Davis was such a hardened exponent, even against opponents in his own party, that when he desperately needed allies during the campaign to recall him, hardly any remained. Wesley Clark's campaign succeeded in its effort to hurt Dean, but its smear tactics hurt Clark as well, who found little favor with the press corps. And when the Republican case against Bill Clinton during his impeachment proved too heavy-handed for the public, it was not Clinton who paid the price—it was those who most recklessly pursued him. Whether Republicans fare better against Kerry will depend on how successful they are at influencing the media and public perceptions about him. Certainly there is more freedom to operate today than in 1988, when the Dukakis campaign released the Biden tape. The RNC recently broadcast a video on its Web site, not unlike that infamous tape, which sought to negatively juxtapose various issue statements by Kerry. Unlike the Biden tape, which was distributed surreptitiously, this one was accompanied by a boastful press release and narrated by the boxing promoter Don King.

The official storyline on Kerry has already begun to unfold—though not the one the Bush campaign originally put forward. After Kerry won the Iowa caucuses, the image of him the Republicans hoped to instill was, as one of them told *The Washington Post* in January, "Liberal, liberal, liberal." But over the next month or so Kerry seemed to float above criticism and to enjoy almost universally good press. The trouble was that the Republicans' original version of the man didn't mesh with the facts: Kerry supported welfare reform, NAFTA, and deficit reduction; his service in Vietnam, his friendship with Senator John McCain, and his fondness for duck hunting were hardly the stuff of liberal caricature. In the 2000 election, Barbara Comstock says, Gore was recast from stiff wonk to serial exaggerator because research showed it was a charge that would stick. "Al Gore kind of gave us the liar thing," she told me. "He had a problem with the truth, and that could be tied to bigger things and bigger issues."

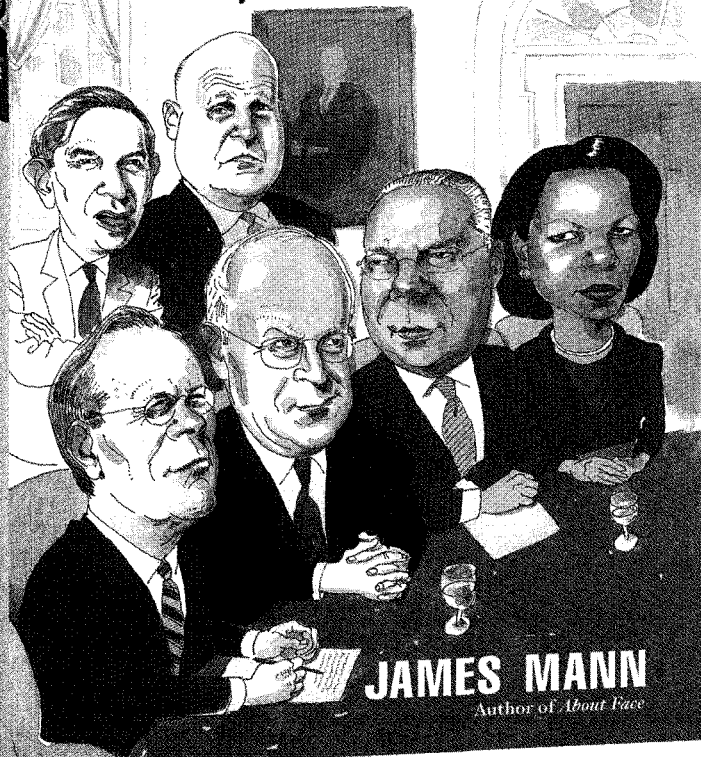
So during the first week in March, President Bush himself instructed campaign officials to stop referring to Kerry as simply a "Massachusetts liberal." The new line is that Kerry is a flip-flopper with a downright reflexive habit of taking the most politically advantageous position. His nineteen-year voting record in the Senate has become fodder for the research files and daily opposition e-mails slipped to reporters.

The new mandate has a proven history. As *The Boston Globe* recently characterized this campaign, the idea is to portray Kerry as a "waffling Washington insider too aloof to connect with average Americans." If this has a familiar ring, perhaps that's because we've already heard it: the portrait Republican researchers are painting of John Kerry is the one they painted of Al Gore. ▀

NEW YORK TIMES BESTSELLER

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THE ASSASSINATION TAPES

Lyndon Johnson secretly recorded many of his telephone conversations as President. The tapes provide our only window into his thoughts after hearing what was then a rumor about CIA plots to assassinate Fidel Castro—information that shaped Johnson's views of both JFK's assassination and his own presidency. Herewith excerpts from his 1967 calls

BY MAX HOLLAND

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In July of 1973, six months after the death of Lyndon Baines Johnson, *The Atlantic* published an article by a journalist and former Johnson speechwriter named Leo Janos. "The Last Days of the President," about LBJ in retirement, was elegiac in tone and fact, save for one dissonant paragraph—in which Johnson volunteered his opinion that President John F. Kennedy's assassination had been the result of a conspiracy organized from Cuba. "I never believed that [Lee Harvey] Oswald acted alone, although I can accept that he pulled the trigger," he explained to Janos. Johnson thought such a conspiracy had formed in retaliation for U.S. plots to assassinate Fidel Castro; he had found after taking office that the government "had been operating a damned Murder Inc. in the Caribbean."

Johnson's assertion generated just a ripple of attention at the time, ten years after the assassination. Conspiracy theories about the assassination had become a cottage industry, and the fact that even a former President believed in one was interesting, but only mildly so. Then, too, Kennedy's mythic stature left no room for an allegation of this nature, and Johnson's well-known penchant for exaggeration worked against him. Besides, it was easy to discount the views of a President whose term had given rise to the phrase "credibility gap." After his bitterly divisive years in office the public wanted none of Johnson's regrets, reminiscences, or revelations.

Johnson's remark was dismissed until 1975, when an extraordinary series of events, ignited by the Watergate break-in, culminated in the baring of the Central Intelligence Agency's darkest secrets—including the fact that it had indeed tried during the early 1960s to assassinate Fidel Castro. Still, the story behind Johnson's indiscretion to Janos has never been adequately understood or explained. Surely Johnson appreciated the likely consequences if his words were taken at face value. They could be devastating to the government and the nation to which he

had devoted the greater portion of his life. To answer the question of why Johnson spoke out is to understand how he himself saw his presidency.

It is possible to reconstruct the story only because Johnson secretly recorded many of his telephone conversations. Without these recordings—history with the bark off—vital information would be altogether missing. Not one of the millions of documents in the Johnson Library reveals the President's own thoughts soon after hearing what was then a rumor about CIA plots against Castro; only the recordings do. It is virtually an article of faith among historians that the war in Vietnam was the overwhelming reason the President left office a worn, bitter, and disillusioned man. But the assassination-related tapes paint a more nuanced picture—one in which Johnson's view of the assassination weighed as heavily on him as the war.

We pick up the story just after the November 1966 elections. The Republican Party had come roaring back after being trounced in 1964. The biggest bone in the President's throat, though, was not the Republicans but his own party. The once impregnable Johnson, whose roots were certifiably southern but who had governed from the left, was seen as increasingly vulnerable because of the midterm election results. He was losing the support of the party intelligentsia—a crucial segment, and one that he had always found frustratingly elusive. On the domestic front, liberals charged the President with doing too little to alleviate poverty, discrimination, and the problems of America's inner cities; as for foreign policy, there was only Vietnam.

One barometer was especially telling in Johnson's eyes: polls pitting the President against Senator Robert Kennedy, the only person considered a serious obstacle to Johnson's renomination in 1968. The idea that Johnson might face a challenge from his own party was extraordinarily disheartening. That his putative challenger was Robert Kennedy was infuriating. The most painful presidential transition in American his-

Max Holland has been a journalist in Washington, D.C., for twenty years. He received the 2001 J. Anthony Lukas Work-in-Progress award for his research on the Warren Commission. This article was adapted from his first book on the subject, The Kennedy Assassination Tapes, to be published in September by Alfred A. Knopf, a division of Random House.

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EXPERIENCE POLITICS

tory was bound to have had difficulties. But JFK's brother had been a unique problem for Johnson since the day of the assassination, when RFK had acted as if Johnson were an undeserving pretender rather than the legitimate successor to the presidency.

By the winter of 1967 Johnson's handling of the transition, once widely viewed as flawless, was coming under criticism. New books and press reports had kindled relentless controversy over the official version of the assassination—that is, the Warren Report, which had concluded that the shots that killed President Kennedy were fired by Lee Harvey Oswald, and that no evidence existed that Oswald was part of a conspiracy, foreign or domestic. For the first time since the report's release, in September of 1964, a plurality of Americans believed that the assassination was the culmination of a conspiracy. No less damaging to Johnson was the serialization of William Manchester's forthcoming *The Death of a President* (1967). Manchester revealed that severe strains lay behind the pageantry that had gripped America for four days in November of 1963. But, conspicuously, only one major figure emerged without dignity. Manchester depicted LBJ as an unworthy successor to JFK, a crude and boorish Vice President who had grabbed the nation's highest office with unseemly haste. Taken together, these developments continually reminded Americans of the violent and abrupt manner in which Johnson had become President. The assassination was a wound in the body politic that had not healed, and was not being allowed to.

As he grappled with what amounted to an existential attack on his presidency, Johnson recorded two revealing telephone calls in early 1967.

On Monday, February 20, Johnson called Ramsey Clark, the acting Attorney General, because of an astonishing news story published on Friday afternoon in the *New Orleans States-Item*. The Orleans Parish district attorney, Jim Garrison, had "launched an intensive investigation into the circumstances surrounding the assassination of President John F. Kennedy," alleging that there had been a conspiracy. Although his legal reach was limited, Garrison had subpoena power over the jurisdiction in which, he claimed, the conspiracy had been hatched.

Garrison, then forty-five, was considered a responsible, reform-minded prosecutor, albeit one with a decided flair for publicity. Like most district attorneys, he was politically ambitious. There was little on the record to suggest that he was, as it turned out, a cunning demagogue the likes of which had not been seen since the days of Senator Joseph McCarthy. Thus the almost universal response to Garrison's action was *He must have something*. By the time the President called Clark, New Orleans was at the center of a media maelstrom.

Clark was especially discomfited by one "nutty" aspect of the story—a rumor that Garrison was linking Johnson to the conspiracy. As fantastic as it sounded, the rumor seemed to have a credible source: the Democratic representative

Hale Boggs, whose district encompassed much of New Orleans, and who had served on the Warren Commission.

Perhaps to Clark's surprise, Johnson responded to the story with equanimity, without swearing or even muttering to himself when he heard what Garrison was reported to be saying. As it happened, the rumor from New Orleans was far from the wildest one making the rounds. Johnson asked Clark if he had heard an even more fantastic rumor—one that had been personally conveyed to the President on January 16 by Drew Pearson, a syndicated columnist who was considered something of a renegade by his peers. The story was that the CIA had sent men into Cuba on a mission to assassinate Fidel Castro after the 1961 Bay of Pigs debacle. Pearson also said that Robert Kennedy had been directly involved.

Little wonder that Johnson received the news from New Orleans with such restraint. He professed to Clark that he

It is virtually an article of faith that Vietnam was the overwhelming reason Johnson left office a bitter and disillusioned man. But the tapes paint a more nuanced picture—one in which his view of the assassination weighed as heavily on him as the war.

found Pearson's story "incredible," but he could hardly have done otherwise. It would have been political suicide for Johnson to spread, or be associated with spreading, a rumor so potentially damaging to Kennedy. Johnson probably believed that if Garrison was on to anything, it might be strands from Pearson's story—which, after all, led back to Washington. Garrison might simply have been mistaken about which Washington doorstep the scandal led to. Johnson was not worried about being personally implicated by either story.

As he always did when faced with a ticklish political-legal problem, Johnson had consulted at length with his longtime counsel, Abe Fortas, even though Fortas was by then on the Supreme Court. Johnson's idea of what to do about the Garrison and Pearson developments was essentially the advice Fortas had given him: watch them both carefully; start a file; don't interfere; see how they play out.

.....

MONDAY, FEBRUARY 20, 1967, 9:40 A.M.

CALL TO ACTING ATTORNEY GENERAL RAMSEY CLARK

CLARK: I think that what he [Jim Garrison] is workin' on must be the associations that Oswald had in the three or four months that he was down there [in New Orleans] in '62 [and] '63. I doubt ... I think it'd just be incredible if he



Lyndon Baines Johnson, 1965

[Garrison] had anything that went beyond that. I think this subject is so volatile and emotional, though, that it could get confused and obscured.

[Uncomfortably and hesitantly] I had heard that Hale Boggs was sayin' [that] he—Garrison—was sayin' that ... or privately around town [was saying] that it [the assassination] could be traced back [to you] ... or that you could be found in it someplace, which ... I can't believe he's been sayin' that. The Bureau says they haven't heard any such thing, and they got lots of eyes and ears.

'Course, that was a [credible] fella like Hale Boggs. But Hale gets pretty emotional about people [like Garrison] that he really doesn't like, and people who have fought him and been against him, and I would be more inclined to attribute it to that. Either that, or this guy Garrison [is] just completely off his rocker.

JOHNSON: Who did Hale tell this to?

CLARK [somewhat in disbelief]: Apparently Marvin

[Watson].¹

JOHNSON [aside to Watson, who was in the room]: [Did] Hale tell you that—Hale Boggs—that this fella [Garrison, this] district attorney down there, said that this is traced to me or somethin'?

WATSON: Privately he [Garrison] was using your name as having known about it [the assassination]. I said [to Boggs], Will you give this information to Barefoot Sanders?² Ramsey was out of town—this was Saturday night. [Boggs] said, I sure will. So I asked the operator to get Barefoot and Ramsey together, and they did.

JOHNSON [to Clark]: Yeah, I don't know about it. They don't ever let me in on it, Marvin and Jake [Jacobsen] over here, so you have to call me direct.³

CLARK: Well—

JOHNSON: They just think this stuff's for them.

CLARK: Such nutty things that ... it's awfully explosive but ... The press, really, has quite a jaundiced eye about it ... and about Garrison, so far.⁴ I had several press interviews out in Des Moines [on] Saturday evening and afternoon, and the thrust of their questions is, What kind of nut is this?

JOHNSON: Two things I think. You know [there's] this story going around about the CIA and their tryin' to get ... sendin' in the folks to get [Fidel] Castro.

CLARK: To assassinate Castro.

JOHNSON: Have you got that full story laid out in front of you, and [do you] know what it is? Has anybody ever told you all the story?

CLARK: No.

JOHNSON: I think you oughta have that. I don't ... it's incredible. I don't believe there's a thing in the world to it, and I don't think we oughta seriously consider it. But I think you oughta know about it.

CLARK: Who would I get it from?

JOHNSON: I've had it from three or four [sources]. I've forgotten who's come in here. I'll have to check it.

CLARK: Does the Bureau have it?

JOHNSON: No, I don't think so. You might ask 'em. Pearson—Drew Pearson—came [in] and gave it to me. [Pearson] said [Edward] Morgan⁵ told him

¹ Watson was a special assistant to the President.

² Harold Barefoot Sanders was the assistant attorney general in charge of the civil division at the Justice Department.

³ Jacobsen was a special counsel to the President.

⁴ Members of the press may have been privately skeptical, but Garrison was getting a lot of attention.

⁵ Morgan was one of the toughest, shrewdest, and best-connected criminal lawyers in town. He was particularly well plugged in to the FBI, having worked in the Bureau for seven years before striking out on his own as a lawyer, in 1947. Morgan had also served as counsel to three congressional investigations, including the 1946 investigation into the Pearl Harbor attack and a 1950 Senate investigation into Communist penetration of the State Department. During the latter he became enmeshed in a bitter feud with Joe McCarthy, who accused Morgan of being a skilled "whitewasher" of embarrassing secrets.

... [Morgan is James] Hoffa's lawyer. He [Morgan] says that they have a man that was involved, that was brought in to the CIA, with a number of others, and instructed by the CIA and the Attorney General [Robert Kennedy] to assassinate Castro after the Bay of Pigs [in 1961].⁶

CLARK [*uncomfortably*]: I've heard that ... you know, I've heard that much. I just haven't heard [any] names, and places, and ...

JOHNSON: Well, let's see who it is ... let's see. I think it would be—[it would] look very bad on us if we'd had it reported to us [a] number of times and we just didn't pay any [attention]—just laughed ... if this is true.

He [Morgan] says that his [client's] limitation—let's check it and see if [the statute of] limitation[s] does run out in November ... they say that the limitation runs out in November.⁷ I don't know about this conspiracy, or how much—how many years [the statute of limitations runs]—

CLARK: [It'd] be six years, all right, which would be November, probably. But it [the statute of limitations would] not [run out] for a concealed situation.

JOHNSON: Well, that's what I'd think. But anyway, he [Pearson] says in November he's [Rosselli's] going to tell it. And that—

CLARK: Mr. Pearson is [going to publish the story]?

JOHNSON: No. This individual [Rosselli].⁸

CLARK: This individual?

JOHNSON: Yeah. And these lawyers [Morgan, for one] have it.

There's just all kinds of things that come to me every day. I don't pay any attention to 'em, but maybe I was a little worried this mornin' because one of my lawyer friends told me I oughta call you and talk to you about it.⁹ So [that] you'll have a file that protects you, that you just don't look like they report these things to us and we just throw 'em overboard and say, Well, we don't like 'em and it[s] not what we wanna hear. So we're not gonna do anything about it.

But anyway, [the story is] that following this, Castro said—they [the plotters] had these pills, and they're supposed to take 'em when they caught 'em, and they didn't get to take their pills—so he [Castro] tortured 'em. And they told him all about it, and who was present and why they did it. So he [Castro] said, okay. We'll just take care of that. So then he called Oswald and a group in, and told them to ... about this meetin', and go set it up and get the job done.

CLARK: Uh-hmm.

JOHNSON: Now that's their story. And I talked to Abe

[Fortas] about it first, and he just said, Well, it's so incredible that ... he'd do it.¹⁰

[*Brief discussion of controversy over FBI wiretapping.*]

Now here's what I called about. I just think that if you haven't heard that, maybe you oughta put yourself in a position to either hear Pearson or whoever's circulatin' it. There've been two or three here circulatin' it to me, and Pearson was just one of 'em. But I've forgotten who the others are.¹¹ They were reputable people, or they wouldn't [have] gotten in here.

CLARK: Pearson was in last week.

JOHNSON: Who?

CLARK: I said, Pearson was in to see me last week and sat here for thirty [or] forty minutes [and] never mentioned anything about it.

JOHNSON: Well, he came to see me ... came to see me in the [Executive] Mansion, oh, I'd say a month ago.¹² And there was before that, one or two others, but I can't remember who. They were responsible people. But it sounded just so [wild] ... just like your tellin' me that Lady Bird was taking dope. I just wouldn't pay much attention to it. If I'm seein' her every day, I just don't believe that that was involved.

Anyway, I'll try to think of the other names and give 'em to you. He's the only one I can remember now, and I don't credit it ... I credit it ninety-nine [and] ninety-nine one-hundredths percent untrue. But that's somethin' I think we oughta know has been reported, and y'all oughta do what you think oughta be done to protect yourself.

[*Clark and the President continue to discuss how to monitor Garrison's investigation without seeming to be either too interested or too uninterested.*]

.....

By late February several of Jim Garrison's top aides were begging him to drop his investigation. The sudden death (from a brain aneurysm) of his ostensible chief witness, David Ferrie, was a golden opportunity, they privately told him: it provided a perfect excuse to halt the probe. "Are you crazy?" Garrison responded. "Don't you realize that we are on the verge of solving one of the crimes of the century?"¹³

On March 1 Garrison ordered the arrest of Clay Shaw,

¹⁰ It is not clear whether, according to Johnson, Fortas found it incredible that RFK allegedly directed assassination plots against Castro or that Castro allegedly dared to retaliate.

¹¹ At this point Pearson is the only person known to have told Johnson about assassination plots directed against Castro. But in a conversation with Texas Governor John Connally in March, Johnson would again suggest that he had heard the story from someone in addition to Pearson.

¹² The meeting, which was off the record, had taken place on January 16, and lasted for an hour. In his diary Pearson wrote, "I told the president about Ed Morgan's law client ... Lyndon listened carefully and made no comment. There wasn't much he could say."

¹³ This extraordinary confrontation between Garrison and his top assistants would remain a secret for sixteen years.

⁶ Johnson did not know the name of Morgan's client. He was John Rosselli, a member of the Cosa Nostra. Rosselli's name would not surface publicly until 1971, when the journalist Jack Anderson published it in a column.

⁷ Morgan had apparently told Rosselli that the statute of limitations for conspiring to kill someone was six years, as long as the plot had failed. Therefore, according to Morgan, Rosselli could not be prosecuted after November of 1967.

⁸ Pearson's diary suggests that he did intend to publish the story once the statute of limitations ran out and he heard Rosselli's complete account, assuming he received permission from Morgan.

⁹ As he revealed a moment later, Johnson had talked to Abe Fortas.

one of New Orleans's most esteemed and civic-minded businessmen, for conspiring to assassinate President Kennedy. The city was dumbstruck, as were some of the aides in the DA's office. But few people other than Shaw's friends and lawyers believed that a district attorney would be so reckless and irresponsible as to arrest a man without substantial evidence. *Garrison must have something.*

These events unfolded while John Connally, the governor of Texas, who had been wounded in the Kennedy assassination, was in New York publicizing the next World's Fair, which was scheduled to open in San Antonio in April of 1968. Although Connally was bent on generating attention for the exposition, reporters wanted only to talk to him about the arrest. The feverish reporting eventually got to Connally, who had always concurred with the overall findings of the Warren Commission even though he disputed its "single-bullet theory."¹⁴ Now his certitude was shaken.

"Well, [Drew Pearson] came to see me ... oh, I'd say a month ago. And there was before that, one or two others ... They were responsible people. But it sounded just so [wild] ... just like your tellin' me that Lady Bird was taking dope."

Connally called Johnson to discuss some of the reports he'd just heard. He probably expected the President to be intrigued by the news, for two reasons. He knew that Johnson's thinking often gravitated toward conspiratorial explanations. And the story Connally was hearing cast Robert Kennedy in a very unflattering light. Johnson, however, was not impressed. Initially the Garrison probe and the Pearson story had tended to reinforce each other in his mind, insofar as he had attached any credibility to them. But by now the FBI had convinced him that Garrison was a charlatan. And Abe Fortas had pointed out that upon close inspection, Drew Pearson's story seemed full of holes.

.....

THURSDAY, MARCH 2, 1967, 9:22 P.M.

CALL FROM TEXAS GOVERNOR JOHN CONNALLY

CONNALLY: I'm sorry to bother you. Can you listen to me for about five minutes?

JOHNSON: Sure.

CONNALLY: All day today I have been interviewed up here ... they're continually breaking stories on this con-

¹⁴ The Warren Report posited that the bullet that hit President Kennedy in the base of his neck and exited from his throat also caused all of Connally's wounds.

spiracy thing ... based on what this fella, this DA in New Orleans talks about, [this DA] named Garrison.

I have just been interviewed again. And of course, I just simply say that I know nothing about it. But a newsman named Paul Smith has just been here to interview me again. They have a long story on the radio tonight, over WINS, a news radio station here in New York. Charley Payne is the [WINS] general manager, and [has] talked to me off and on all day [trying to keep] me posted on it. They [WINS] supposedly have a story from a man who saw the files in Garrison's office ... he is the DA in New Orleans. I don't have the whole story, but here's what they say.

That Garrison has information that would prove that there were four assassination [teams] ... assassins in the United States, sent here by [Fidel] Castro, or Castro's people. [Sent] not by Castro himself, but one of his lieutenants. One team was picked up in New York ... but did not ... was picked up and interviewed by the FBI and the Secret Service, but did not reveal a great deal of information which was available.

One of the teams was composed of Lee Harvey Oswald; this fella [Clay] Shaw, that has just been arrested in New Orleans yesterday; and the [deceased] man [David] Ferrie; plus one other man. They were teams of four. And there were two other teams that I know nothing about.

WINS Radio has had some reporters, according to the media here, in Cuba ... working on various angles of this thing for the past [few] days. They also have a team of reporters in New Orleans with Garrison. In Cuba they found, according—[and] this is very confidential, and all of this is not goin' on the air ... at all.¹⁵ But in Cuba ... and the two reporters that they had there were working from different angles and came together with exactly the same story.

The story—that they're not going to publish—is that after the [1962] missile crisis, President Kennedy and [Nikita] Khrushchev had made a deal to leave Castro in power. But about six months after the missile crisis was over, the CIA was instructed to assassinate Castro ... and sent teams into Cuba. Some of 'em were captured and tortured, and Castro and his people—and I assume Che Guevara—heard the whole story.¹⁶ The information they have here, which they're not gonna run, is that President Kennedy did not [issue] the order to the CIA, but that some other person extremely close to President Kennedy did. They did not name the man ... but the inference was very clear. The inference was ... that it was his brother [who] ordered the CIA to send a team into Cuba to assassinate Castro. Then one of Castro's lieutenants, as a reprisal measure, sent four teams in[to] the United States to assassinate President Kennedy. [And] that Lee Harvey Oswald was [one of the] members of the team operating out of New Orleans.

¹⁵ Connally was referring to the fact that WINS was reporting only half the story. It broadcast the claim that President Kennedy was "murdered by a group of plotters directed from Cuba," but refrained from reporting that the group had been sent in retaliation for U.S. plots on Castro's life.

¹⁶ Major Ernesto "Che" Guevara, an Argentine Communist, had been a leader of the 1959 Cuban revolution. In 1967 there was a great mystery as to his whereabouts; he had not been seen in public for two years.

Now this is the story that they think they have. This is the information that was given to me tonight, less than an hour ago, by a reporter named Paul Smith who came here to [indistinct] Charley Payne, whom I knew in Texas. [Payne was] a radio man down there and he's now the general manager of WINS.

I thought this would be of interest to you. I know nothing more about it than that, but I thought you oughta know that.

JOHNSON: Good. This is confidential too. We've had that story on about three occasions, and the people here say that there's no basis for it.

CONNALLY: Hmm.

JOHNSON: I have had some ... I've given a lot of thought to it. First, one of [Jimmy] Hoffa's lawyers went to one of our mutual friends—

CONNALLY: Yeah.

JOHNSON: —and asked him to come and relay that to us ... just about like you have related it.¹⁷ [A] week or two passed, and then Pearson came to me, Drew Pearson—

CONNALLY: Yeah.

JOHNSON: —[and he] told me that the lawyer, Edward Morgan here [in Washington], had told him the same thing and said that they would plead ... they would tell all the story after November when the [statute of] limitation[s] ran out. I don't know ... our lawyer [Ramsey Clark] said they couldn't believe that there's any [statute of] limitation[s] on a [concealed] conspiracy, but ... [Then] I talked to another one or two of our good lawyers that I have recognized—

CONNALLY: Yes, sir.

JOHNSON: —[who's] pretty high-placed, a few months ago—

CONNALLY: Yes, sir.¹⁸

JOHNSON: He evaluated [it] pretty carefully and said that it was ridiculous.

With this CIA thing breaking and the thing turning, as it did, in reconstructing the requests that were made of me back there, at the [beginning], right after I became President, I have talked to some more [people] about it, and I've got the A[torney] C[eneral] coming down to see me tomorrow night ... to spend a weekend with me.¹⁹ I thought I'd go over it with him again just so that they could ... so [the FBI director J. Edgar] Hoover and 'em could watch it very carefully.

They say that ... there's not anything to the Garrison story, [at] least Hoover says so, as near as he can tell. He says that they interviewed Ferrie, and they interviewed this

other fella [Dean Andrews], very carefully and closely.²⁰ And the fella [Andrews] claims that he got a call from Oswald, but they [the FBI] can't find any record of it. And the doctor that had him [Andrews] under surveillance said that he wasn't in a position to talk on November the twenty-third, and [that] he [was] under very heavy sedation.

And that the [Clay] Shaw thing is a phony, and that Ferrie died of natural causes, and that that was a phony. But that—some of these same sources that were preventin' ... tryin' to involve this jail thing ... have been feeding stuff to Garrison as they did here.²¹

I don't know whether there's any basis for it or not. I noticed even Larry—Larry Blackmon, yesterday, was in to see me on another matter—and he started makin' a big pitch about this other situation.²² So I don't know how much of it is being fed out through their network and through their channels, and how much of it anybody would know. It's pretty hard to see how ... we would know directly ... what Castro did.

CONNALLY: Yeah.

JOHNSON: The story varies a good deal. If you go to lookin' at it [hard], as Abe said, who is it that's seen Castro? Or heard from Castro? Or knows Castro ... that's [in a position to] ... [who] could be ... confirming all this? [Fortas said] that we just hear that this is what he did, but nobody points to how we hear it.

CONNALLY: Yeah.

JOHNSON: So we will look into it, and I appreciate very much your callin' me, and I'll try to bear this in mind. I may have you talk to the other fella when you get back home, just for a minute, because I think that it's somethin' we have to be aware of and watch, without gettin'—

CONNALLY: Caught either way. He [Payne] made me promise—

JOHNSON: —caught either way.

[*Brief discussion about Robert Kennedy's call for a pause in the bombing of North Vietnam.*]

CONNALLY: I just thought [that] since this was out in the communications—

JOHNSON: Yeah ... yeah, I think that's right. I think that's good ... and I think it's right. I think—

CONNALLY: I don't know how ... I don't know what either. I thought it might tie in with somethin' you knew,

¹⁷ It is unclear who this "mutual friend" was.

¹⁸ Connally seemed to understand that Johnson was referring to Abe Fortas. The President had met with Fortas for seventy-five minutes on January 17, the day after he first heard Pearson's story.

¹⁹ The "CIA thing" the President referred to involved recent revelations that the CIA had covertly financed nongovernmental anticommunist organizations both in the United States and abroad. By "requests made of me," Johnson probably meant the decision he'd had to make after November 22 about whether to continue covert subversion of Castro's regime. (This effort gradually diminished.)

²⁰ Andrews was a colorful Louisiana character: five foot seven and 240 pounds, he was a bona fide lawyer and, simultaneously, a huckster looking to make a name for himself. In November of 1963, while hospitalized for pneumonia, Andrews claimed to have received a mysterious call from a man asking him to represent the accused assassin. A thorough FBI investigation determined that Andrews was simply seeking some of the notoriety that any counsel for Oswald was sure to receive; the lead, like the FBI's contemporaneous investigation of David Ferrie, turned up nothing with any bearing on the President's assassination. Four years later these would be the kinds of meaningless shards Garrison had the power to exploit.

²¹ Johnson seems to have been suggesting that the same lawyers who fed Drew Pearson the story about assassination plots against Castro had been in contact with Garrison.

²² A real-estate developer from Fort Worth, Blackmon was the president of the National Home Builders Association.

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and I don't want to know anything. I don't need to know it, but I just wanted [you] to know—

JOHNSON: Well ... no ... I've told you all I know. That's all we know. And the FBI thinks that both Ferrie and Shaw are frauds—I mean, that Garrison is usin' 'em as a fraud, that they have interviewed both of 'em at great length.

CONNALLY: Yeah.

JOHNSON: They have heard these things, and they interviewed 'em back in [1963–1964], for the Warren Commission.²³ They do not give any credit to it, but we can't ever be sure, and we just want to keep watchin' and so on [and] so forth.

CONNALLY: Okay, sir. I'm sorry to disturb you.

JOHNSON: Thank you, Johnny.

.....

On March 3, 1967, the day after Johnson spoke with Connally, Jack Anderson, Drew Pearson's associate, broke the story of the alleged plots against Castro.²⁴ The column began, "President Johnson is sitting on a political H-bomb, an unconfirmed report that Senator Robert Kennedy may have approved an assassination plot [against Castro] which then possibly backfired against his late brother." The column was so thinly sourced—it admitted that the story was a rumor—that *The Washington Post* and the *New York Post* refused to publish it. But hundreds of other newspapers went ahead. Anderson had rushed into print almost certainly because he feared being scooped by Jim Garrison. The column observed that the allegation it described "may have started New Orleans' flamboyant District Attorney Jim Garrison on his investigation of the Kennedy assassination," but that insiders "believe he is following the wrong trails."

Spurred on by the column, Ramsey Clark finally did what Johnson had suggested during their conversation on February 20: he asked the FBI what it knew about the matter. On March 6 the FBI prepared what is surely one of the most astonishing memoranda in its history. The heading alone was enough to set hearts palpitating at the CIA: "Central Intelligence Agency's Intentions to Send Hoodlums to Cuba to Assassinate Castro." The FBI knew far less than it thought it

²³ Although the FBI had examined an allegation involving Ferrie, it had never investigated Clay Shaw in connection with the assassination. Johnson was probably just repeating what Ramsey Clark had said earlier in the day. In response to questions from the media, Clark erroneously asserted that Shaw had been investigated by the FBI in 1963, and cleared. Clark's error would not be acknowledged for three months.

²⁴ Pearson had told Johnson the story would not be published at least until November, but he had made that assurance before Garrison arrived on the scene. On the day of Clay Shaw's unexpected arrest, Pearson was en route to Latin America and apparently unreachable. Anderson, who often shared the byline on the column, took it upon himself to publish the story. "It was a poor story in the first place, and violated a confidence in the second place," Pearson later noted in his diary. "Finally it reflected on Bobby Kennedy without actually pinning the goods on him."

did about the covert operation, but its information was reliable on three vital points: the CIA did try to have Castro assassinated during the early 1960s; it employed members of the Cosa Nostra in this effort; and Attorney General Robert Kennedy knew about both the plots and the mob's involvement. Before receiving this memo, Johnson had dismissed the rumor as no more credible than the idea that his wife was on drugs. Now he had to grapple with the implications of the revelation and what he should do about it, if anything.

One of his first impulses was to talk to Chief Justice Earl Warren. In the early evening of March 13 Johnson met privately with Warren for forty minutes, with only Marvin Watson, the White House staffer who served as liaison with the FBI, in attendance. Little is known about this meeting. Since January, Warren had been aware of the story that the CIA had utilized the Mafia to try to assassinate Castro; Pearson had told him three days after telling Johnson. But until he stepped into the Oval Office that evening, he did not know that the story was true. Warren's rock-solid belief in the report that bears his name must have been weakened, at least momentarily.

"[The CIA plotters] had these pills, and they're supposed to take 'em when they caught 'em, and they didn't get to ... so he [Castro] tortured 'em. And they told him all about it. So he said, okay. We'll just take care of that. So then he called Oswald."

The meeting had two consequences. The Chief Justice was, of course, thoroughly conversant with the evidence against Oswald, and he probably renewed Johnson's confidence in that part of the Warren Report. But the finding that Oswald was responsible for all the shots fired in Dealey Plaza didn't rule out a conspiracy. And now there was more reason than ever to believe that Fidel Castro had instigated a counterplot in retaliation for attempts on his life. So Johnson, perhaps with Warren's encouragement, became determined to get the rest of the story from the CIA.

On March 22 he asked Richard Helms, who had been the CIA liaison to the Warren Commission in 1964 and the director of the Agency since June of 1966, to prepare a full report on the allegations in Anderson's column. It is not known whether the President divulged to Helms what he already knew from the FBI memorandum, or whether he pretended to find the claim outlandish in order to test Helms's candor about such a sensitive matter. In either case, Johnson asked "[not] idly or in passing ... but asked directly, formally, and explicitly, in a tone and manner which did not admit of evasion," as the historian Thomas Powers has written.



Robert F. Kennedy and LBJ, 1964

The President is the one person whose requests for information the CIA must honor in full, and Helms had no alternative but to come back with a specific and complete answer. In early May he requested a private meeting with Johnson in order to present the results of an investigation conducted by the CIA's inspector general. The meeting, on May 10, began at 5:55 P.M. and lasted close to an hour. The gist of what Helms disclosed would become known only eight years later, when he testified before a Senate committee.

In that meeting, long before the fact became public knowledge, the President learned that CIA plots to assassinate Fidel Castro dated back to August of 1960—to the Eisenhower Administration, when plans for what became the Bay of Pigs invasion were reaching their final stage. In fact, Castro was

supposed to be dead before the exiles landed. At the time, the idea of using members of the Cosa Nostra, which had its own interests in Cuba to protect, must have seemed clever.

The more interesting part, at least to Johnson, was what Helms told him next. After the Bay of Pigs debacle, rather than draw back, the Kennedy Administration redoubled its efforts. The injunction to the CIA was simple: get rid of Castro and his regime by any means possible, short of another invasion. The alliance with the Cosa Nostra persisted until 1962, and came to an end only because the mob bosses were never able to deliver. Efforts to remove Castro continued well into 1963. One of them was coming to a head at the time Kennedy was assassinated.

It is not known whether Johnson asked Helms under whose direction the CIA had acted. If he did, Helms presumably said that Robert Kennedy "personally managed the operation on the assassination of Castro." (This quotation is taken from what Helms told Secretary of State Henry Kissinger in 1975, after allegations of CIA wrongdoing began to surface in the press.) Then again, Johnson may not have bothered to ask. Edward Morgan had already told Drew Pearson about the former Attorney General's central role; in addition, it was common knowledge within the Administration that after the Bay of Pigs, President Kennedy had made his brother the driving force behind the effort to overthrow Castro.

Knowing the President's conspiratorial turn of mind, Helms probably hastened to reassure Johnson that the CIA, the FBI, and the Warren Commission had all looked long and hard for a connection between Oswald and Cuba but had come up empty-handed. Persuading Johnson of

that now, however, was a futile exercise (as later testimony by Helms suggests). The President was utterly convinced that something other than Oswald was behind Kennedy's assassination, and that that something involved Cuba.

One tantalizing but unanswerable question is what effect, if any, Johnson's knowledge had on Robert Kennedy's Hamlet-like indecisiveness in 1967 and early 1968 over whether to challenge Johnson for the Democratic nomination. Kennedy probably considered the March 3 column a shot across his bow, because Pearson was known to be on very friendly terms with the President. For all Kennedy knew, *Johnson* was the source of the story, and the column was a harbinger of things to come should Kennedy decide to challenge him. (Kennedy finally did enter the race, in

March of 1968.) Kennedy's response to the column, insofar as it is known, was to hurriedly search his files for any pertinent information. He also arranged to have lunch on March 4 with Richard Helms, who probably told him that the President hadn't yet asked anything about it. Still, the threat of disclosure loomed—and perhaps it motivated Kennedy's seemingly premature announcement that he fully intended to back Johnson's presumed bid for re-election. On March 2, in a dramatic address on the Senate floor, Kennedy had made his break with the Administration's policy on Vietnam official. Anderson's column appeared the next day. Two weeks later Kennedy pledged to support Johnson in 1968, calling him "an outstanding President."

Certainly, any attempt to publicize the truth would have been fraught with risks for Johnson. Kennedy partisans would have mounted a ferocious counterattack, and Johnson might have been unable to prove an allegation that would be perceived as monstrous. Also, a sitting President

Helms probably tried to reassure Johnson that the CIA, the FBI, and the Warren Commission had looked for a connection between Oswald and Cuba but had come up empty-handed. Persuading him of that now, however, was a futile exercise.

could hardly ignore the price the CIA and the United States would pay for admitting that the Agency had tried to assassinate Castro—and at that point, in 1967, Johnson fully expected to serve another full term. The final, unquantifiable factor was Johnson's residual loyalty to John Kennedy. Johnson had always tried to keep faith with that political partnership. As much as he might have been tempted to derail Robert Kennedy's ambition by publicizing the story, he had to have realized that JFK's reputation would have been sullied too. Johnson was "trapped between two Kennedys," in the words of the historian Paul Henggelar. "He could not openly attack Robert without implicitly attacking John."

But though Johnson said nothing publicly to advance the story about the CIA's plots against Castro, there is little doubt that the secret weighed heavily on him. His reaction to the news that Robert Kennedy had been mortally wounded on June 5, 1968, shortly after midnight California time, is revealing. Johnson was awakened almost immediately, and was not able to sleep the rest of the night.²⁵

²⁵ "There was an air of unreality about the whole thing—a nightmare quality," Lady Bird Johnson wrote in her diary. "It couldn't be true. We must have dreamed it. It had all happened before."

Between telephone calls to Ramsey Clark, J. Edgar Hoover, and James Rowley, the chief of the Secret Service, Johnson doodled on a memo from the previous day. In the first hours after the shooting virtually nothing was known about Kennedy's assassin. Johnson wondered if Castro had decided that his revenge would not be complete until both Kennedy brothers were dead. He scratched out a few disjointed words: "Costra [sic] Nostra ... Ed Morgan ... send in to get Castro ... planning." By late morning, however, it was clear that Sirhan Sirhan was a disturbed loner with no apparent ties to Cuba. Johnson dropped his idea of another Cuban-instigated conspiracy.²⁶

In the months and years that followed, Johnson remained ambivalent, torn between his loyalty to John Kennedy and his antipathy toward Robert. In October of 1968, shortly before leaving office, he volunteered a piece of information to the veteran newsman Howard K. Smith, whom he deeply respected. "I'll tell you something [about John Kennedy's murder] that will rock you," he said. "Kennedy was trying to get to Castro, but Castro got to him first." "I was rocked all right," Smith later recalled; he begged for details. But Johnson refused to provide any, saying only, "It will all come out one day." Johnson was so obviously worn down by the bitterness of his years in office that Smith was left wondering if he had just witnessed a last bit of Johnson blarney.

After leaving office Johnson continued to seesaw between discretion and an aching desire to let the truth come out. He was interviewed in September of 1969 for a series of programs about his presidency, which were to be broadcast on CBS in three installments. As they discussed President Kennedy's assassination, Walter Cronkite asked Johnson if he was satisfied that there had been no foreign conspiracy. "I can't honestly say that I've ever been completely relieved of the fact that there might have been international connections," Johnson replied. Cronkite pushed a little harder, asking if Johnson's suspicions involved Cuba. Johnson replied, "Oh, I don't think we ought to discuss the suspicions, because there's not any hard evidence that would lead me to the conclusion that Oswald was directed by a foreign government." Three weeks before the segment aired, Johnson had second thoughts; he insisted that the exchange be deleted, on grounds of "national security." CBS reluctantly obliged; but in April of 1970 the story that

²⁶ In his biography of Robert Kennedy, Evan Thomas suggested (on the basis of these handwritten notes) that Johnson toyed with the idea of reviving Pearson's story on June 4, the day Kennedy won the California primary and appeared headed for the Democratic nomination. But the notes, although written on a memo dated June 4, were clearly identified by the secretary who collected them as being from "June 5, 1968 a.m."—that is, *after* Kennedy had been shot. They probably indicate Johnson's initial thoughts about who might have been responsible for the attack, rather than any effort to cast aspersions on Kennedy's past.

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Johnson "expressed fundamental doubts about the Warren Commission's conclusion" during the Cronkite interview leaked out anyway.

On June 16, 1971, Johnson received Leo Janos, the Houston bureau chief for *Time* magazine, at the Johnson Library. The meeting occurred at a propitious moment. Three days earlier *The New York Times* had published the first installment in what would become known as the Pentagon Papers, a secret study of U.S. involvement in Vietnam. There was much to talk about, and Johnson was in an expansive mood. Over coffee after lunch the conversation turned briefly to President Kennedy. Confident that his former speechwriter would respect the ground rules (the conversation was off the record), Johnson not only reiterated what he had told Howard K. Smith in 1968 and Walter Cronkite in 1969 but went into more detail than he ever had before, making his pregnant "Murder Inc." remark—which Janos did not publish until after Johnson's death.

Lyndon Johnson might be forgiven for jumping to his conclusion about a link between Castro and Lee Harvey Oswald. In any case, his opinion on who stood behind Oswald is not what is most significant about his revelation

to Janos. Rather, Johnson was trying, somewhat awkwardly, to flesh out what was from his vantage point the central story of his years in office: the mutiny of liberal Democrats against his primacy, and their unfair treatment of him. If the CIA's attempts to assassinate Castro had been known more or less contemporaneously with JFK's assassination, the Kennedy mystique would have been punctured. The public's view of Johnson's ascension to power would not have soured; at the very least, William Manchester would not have been able to violate the conventions by which reputable publishing houses then depicted sitting Presidents. Nor would a large faction of the Democratic Party have coalesced around Robert Kennedy had his clandestine activities been known.

Johnson's motives in telling Janos about "Murder Inc." in a conversation that was off the record can only be surmised. In all likelihood they reflect how, even in retirement, he remained deeply conflicted. Johnson was reluctant to release information during his lifetime that would have tarnished the Kennedy and Eisenhower presidencies. But he must have hoped that the truth would eventually surface, and that it would influence history's verdict on his own. ▀

LOGGERS

They fly down from the mountains
in their high-rise trucks with half-mufflers
rumbling and rattling, burnt diesel
trailing, scenting the air until long after
they've passed. It is Friday,
and shortly after you sit at the bar,
numb and sore from flipping sticks
at the mill, their trucks will roar
into the gravel lot, and they will park
at the far edge and slam their doors.
They talk and laugh loud,
like veterans of an artillery unit,
and when they push through the door,
they're all you hear.
They smell like overheated engines
and moss, and wherever they stand or sit
they shed wood chips and fine dust,
order mugs of watered sap,
tell stories metered in board feet.

Mondays, after they've returned from hidden
lives in houses far in the trees,
they chew their sandwiches in the Mini-Mart,
looking out at their trucks beneath the cloudy skies.
They are trying to remember the trees
yet to be faced, sawed, and felled.
They are still feeling the jump
and kick and hum of the saws
in their hands. Too soon the crew chief
starts his truck, and as it idles—
the knock-knock of diesel—the others
rise and ease their way outside,
nodding at the young woman cashier.
Their trucks clatter to life,
and they all back away and bump
onto the road, snarling and rasping
back up into the trees.

—JOHN STRULOEFF

*John Struloeff teaches at the University of Nebraska at Lincoln,
where he is also an editor for Prairie Schooner.*



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GREED ON TRIAL

The question before the jurors was not whether legal fees amounting to \$7,700 an hour were “unreasonable.” It was whether the lawyer-plaintiffs should get \$1.3 billion more

BY ALEX BEAM

Illustrations by Jason Schneider

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My favorite moment during last winter's \$1.3 billion Massachusetts tobacco-fee trial came near the end, when Ronald Kehoe, an avuncular, white-haired assistant attorney general, was questioning the state's star witness, Thomas Sobol. Sobol was describing how his former law firm, Brown Rudnick Berlack & Israels, prepared in 1995 to sue Big Tobacco on behalf of the Commonwealth.

Sobol testified that to reduce its risk on what looked like a long-shot lawsuit, Brown Rudnick hired a bunch of cheapo “contract” lawyers, at \$25 to \$35 an hour, and also cut back on its pro bono commitment, redirecting \$1 million worth of work to the anti-tobacco litigation.

KEHOE: Was the tobacco litigation seen by the firm as a form of pro bono activity in part?

ROBERT POPEO [*Brown Rudnick's attorney, jumping out of his chair*]: Objection, your Honor.

JUDGE ALLAN VAN GESTEL: Sustained.

Did Brown Rudnick view the anti-tobacco lawsuit, which would later pay out the largest legal fee in the Commonwealth's history, as pro bono work? I asked Sobol that question over hot chocolate at Johnny's Luncheonette, in Newton, Massachusetts. Both on and off the stand the forty-six-year-old Sobol cuts a bold figure, closely resembling Bruce Springsteen before the Boss started showing his age. For want of a better term, Sobol—not unlike Jan Schlichtmann, the Boston lawyer who litigated the toxic-waste case made famous in the book and movie *A Civil Action*—has star quality. In one of several tendrils linking the two cases, which were tried in the same downtown courtroom, Schlichtmann

Alex Beam is a columnist for The Boston Globe and the author of Gracefully Insane (2001), a portion of which appeared as “The Mad Poets Society” in the July/August 2001 Atlantic.

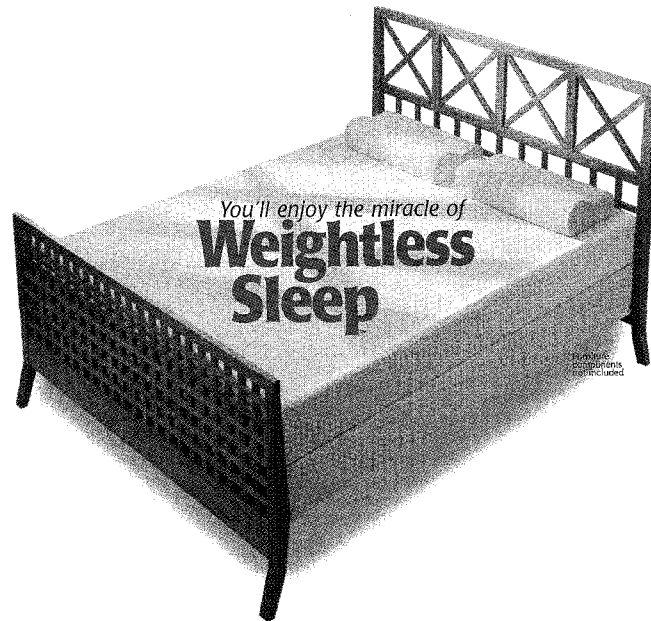


and Sobol were briefly colleagues, before quarreling over the—yes—fees in a high-profile class-action suit, unrelated to tobacco.

Sobol told me that some of his Brown Rudnick colleagues did view the tobacco project as pro bono work. “It wasn’t considered ‘real lawyering,’” he said, “because we were suing corporate America, not defending corporate America. And we weren’t making any money on a day-to-day basis.” He added, “But this was a fee transaction. We weren’t rendering services for free.”

No, not exactly. Brown Rudnick and four other firms representing Massachusetts had secured a 25 percent contingency fee in the tobacco litigation. And that litigation paid off hugely. In 1998 a master settlement agreement (MSA) between forty-six states and Big Tobacco awarded Massachusetts \$8.3 billion over twenty-five years, in purported Medicaid losses resulting from smoking. The tobacco companies also agreed to pay the states’ legal fees, in many cases relying on an arbitration panel to decide how much each legal team deserved. As the lead law firm for the Commonwealth, Brown Rudnick hit the jackpot. Having invested about \$10 million in time and expenses, it won \$178 million from the panel, which awarded Massachusetts, of all the states covered by the MSA, the highest legal fees—\$775 million in all. In court the state noted that Brown Rudnick’s chief of litigation, Frederick Pritzker (also the chairman of its ethics committee), had siphoned off \$14 million for seventy hours of work: a rate of \$200,000 an hour. Sobol, the lead lawyer, received \$13 million. On paper each Brown Rudnick partner stood to make an average of \$140,000 a year from this case alone.

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But the big numbers equaled only 9.3 percent of the \$8.3 billion award. Brown Rudnick asked the state for a compromise between the 9.3 percent and the promised 25 percent fee. Attorney General Thomas Reilly refused to pay a penny more than the arbitration award. Now Brown Rudnick and the four other firms were back in court, asking for the full 25 percent: \$1.3 billion more in fees. Brown Rudnick and the others were actually making the tobacco companies look good.

The events that landed the lawyers in Judge van Gestel's cavernous Art Deco courtroom had not exactly heaped honor on either side. Lawyers for every state in the Union had collected unheard-of fees from the lawsuits that led up to the MSA; Big Tobacco had signed the agreement, which reimbursed the forty-six states for \$206 billion worth of smoking-related medical costs, in exchange for protection from further litigation by the states. In Florida, one of four states that settled outside the MSA process, lawyers had also negotiated a 25 percent contingency fee; that fee equaled \$2.8 billion, a sum that "simply shocks the conscience of this court," one Florida judge observed. A year after Florida settled, arbitrators awarded its eleven law firms an even larger fee: \$3.4 billion—or an average of \$300 million each.

The MSA fee arbitration resulted in the doling out of checks on a generous if unscientific basis. The first states to sue won a bonus for getting the ball rolling; the Massachusetts lawyers' \$775 million (which amounted to an average of more than \$7,700 an hour) reflected the state's role as one of the key participants. In other states lawyers lifted their fingers to the wind of public opinion and eventually settled for the arbitration awards, which were by any reasonable standard gargantuan. (Lawyers in Texas ended up accepting "only" \$3.3 billion. They had asked for \$25 billion—more than the state's settlement amount—but soon came around. The former Texas attorney general is in jail for trying to defraud the tobacco fund; but that, as they say, is another story.) Brown Rudnick and a co-plaintiff, the San Francisco partnership of Lieff Cabraser, Heimann & Bernstein, decided to sue for their full fees.

While the lawyers were grubbing, the state was hardly covering itself in glory. Scott Harshbarger, who as the Massachusetts attorney general signed the contingency-fee deal in 1995, ran for governor three years later. His opponent, the incumbent Paul Cellucci, made the "obscene" tobacco fees a campaign issue—as did Governor George W. Bush in Texas. In the heat of the campaign Harshbarger pulled Massachu-

setts out of the increasingly controversial MSA negotiations. He lost the election anyway, and the state joined the agreement. This allowed Cellucci and his Republican successors to feast on the multimillion-dollar settlement revenues.

By 2000 the word was out across the country that many states were squandering the vast sums raining down on them from the MSA. In theory the money was earmarked for medical care, or for anti-smoking education targeted especially at young people. In practice most legislatures used it for budget balancing or more exotic purposes. In Los Angeles some of the money was designated for improving wheelchair access on sidewalks; and then-mayor Richard Riordan proposed using some to settle abuse claims filed against the Los Angeles Police Department. In Massachusetts the governor and the legislature pillaged the tobacco awards in short order to balance the state budget.

Perversely, the tobacco money proved to be addictive. In 2003 the attorneys general of thirty-three states sided with Philip Morris against an Illinois court that wanted the company to post a \$12 billion bond after it lost a huge class-action case. Philip Morris loudly proclaimed that posting the bond would bankrupt it, thus threatening its MSA payments to the states. The litigating lions saved the shorn tobacco lamb; at the behest of the states, the court reduced the bond to a more manageable \$6.8 billion.

During the course of *Brown Rudnick, et al. v. The Commonwealth of Massachusetts*, in a sidebar con-

versation with Robert Popeo and the Commonwealth's lead attorney, Dean Richlin, the sixty-eight-year-old Judge van Gestel, an old-fashioned lawyer who referred to the law in wistful tones as a "learned profession," expressed shock at the states' plumping for Big Tobacco.

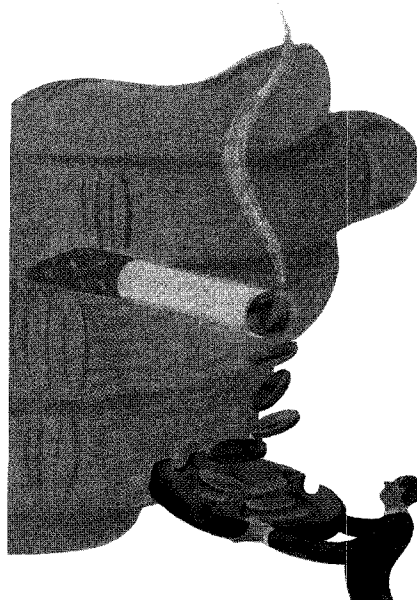
VAN GESTEL: That's, in my view, a very sad event, in that the states have to keep the evil empire, as it's been called, afloat.

RICHLIN: Exactly so.

VAN GESTEL: The next thing you know, the states will be having Joe Camel as the logo. I mean, I only meant that partly facetiously ... To me, it's an outrage.

The humorist Dave Barry had great sport with the tobacco litigation, noting,

[The states] are distributing the money as follows: (1) Legal fees; (2) Money for attorneys; (3) A whole bunch of new programs that have absolutely nothing to do with helping smokers stop smoking; and (4) Payments to law firms. Of course, not all the anti-tobacco settlement is being spent this way. A lot of it also goes to lawyers.



To sue the Commonwealth, Brown Rudnick hired the Boston firm Mintz Levin Cohn Ferris Glovsky & Popeo, perhaps best known for its partner Robert Popeo. A compact bantam of a man, the ferocious Popeo, who is sixty-five, once garnered a few moments of national fame by halting on camera a *60 Minutes* interview with his sulfurous client John Silber, then the president of Boston University. Popeo likes high-profile clients (he recently represented Suzy Wetlaufer, the inamorata of General Electric's retired chief executive Jack Welch, when she was leaving her job as editor of the *Harvard Business Review*), and he is quite comfortable in a courtroom. The youngest of six children from an Italian-immigrant East Boston family, he comes by his flat vowels honestly. His hard-earned affluence notwithstanding, Popeo put on a credible still-a-man-of-the-people act for the jury and did his best to jolly up the judge.

At sidebar conferences Popeo and Richlin looked like Mutt and Jeff, with the tall string bean Richlin towering over his adversary. One might have expected the assistant attorneys general—Richlin and his boyish forty-two-year-old deputy, David Kerrigan, the head of the Commonwealth's Trial Division—to be outmaneuvered by their private-sector opponents. But the lawyering was well matched. At first glance the balding, dark-haired Richlin looks like an undertaker; but he proved to be a smooth operator in court. His boss and former law partner, Attorney General Thomas Reilly, had entrusted Richlin with delicate work before: monitoring the sale of the Boston Red Sox and the investigation of sexual abuse by Roman Catholic clerics. I had heard Richlin called “Tom Reilly's brain”—a backhanded compliment that falls wide of the mark. Reilly showed plenty of brains by giving his hot-potato cases to Richlin.

Both sides wanted a jury trial, because deep down neither fully trusted its case in the hands of Van Gestel, a veteran litigator and a business-law specialist. “The judge is just another lawyer—we had to get the public involved,” Richlin told me during the trial. Popeo had a gut feeling that Van Gestel didn't like the plaintiffs' case, and said so to his face. “His feelings were clear from the outset,” Popeo told me after the trial was over. “Look, I've known him for forty years, and I think he's a terrific judge, but the law is an industry now, not a ‘learned profession.’ When you start asserting that lawyers aren't entitled to their contractual rights, you're saying you want to put a cap on lawyers' earnings. He should not have done that.”

Both sides retained jury consultants, who convened focus groups similar to those assembled by television networks and advertisers. The mock jurors heard the lawyers' proposed “clogenings”—abbreviated summaries of possible opening and closing arguments—and pushed buttons when they heard an argument they liked. “The state's obligation was a hot issue,” Popeo told me. “Potential jurors wanted

the state to keep its word.” But he had a problem. His clients had already been paid more than most jurors could hope to earn in several lifetimes. “You were never going to convince anybody that \$775 million wasn't enough,” he said. “We had all the equities, they had all the emotions.”

Across town, Brown Rudnick's case looked pretty strong to the state's attorneys, who had holed up in a small war room in an adjunct office overlooking North Station. They, too, commissioned focus groups, and polls as well. “We learned that ‘a deal is a deal’ is a very compelling argument for most people,” Richlin recalls. “We had to break through that cognitive resistance. And worse yet, as lawyers for the state, we were representing ourselves. We had a huge credibility problem.”

The polling showed that inveighing against “greedy lawyers” would prove counterproductive over the course of a long trial. Richlin had included a reference to the Brown Rudnick partners' \$140,000-a-year take in a draft of his closing argument, but he took it out. “That wasn't going to

**In other states lawyers
lifted their fingers to the
wind of public opinion
and settled for reduced fees—
still gargantuan—for their work
on the tobacco settlement.
Not Brown Rudnick.**

win the case for us,” he told me. “There were better ways to communicate the issue.”

Ultimately, Richlin & Co. decided to educate the jury on the doctrine of “reasonableness,” which means what it says: lawyers' fees should be reasonable. The problem was that 25 percent had seemed quite reasonable in 1995, when the state contracted to pay it, and when winning the case against Big Tobacco seemed a remote possibility. After all, many contingency fees are 33 percent or higher. Only after the lawyers scored their \$775 million windfall could the case be made that they were not entitled to more. Kingman Brewster was once asked what he had learned during his years as a professor at Harvard Law School, and he shot back, “That every proposition is arguable.” Whether the doctrine of reasonableness could be applied both at the time the contract was signed and at the time of payout provided for many hours of soporific debate in Van Gestel's courtroom.

One wintry day during the trial I struggled to match strides with the much taller Richlin as he walked quickly from the courtroom up Beacon Hill to the attorney general's office. He decided to make his case simple for me: “What we're saying, in essence, is ‘It's too much money.’”

Jo Moore, a public-relations adviser to one of Tony Blair's Cabinet ministers, made publicity history by sending out an e-mail on September 11, 2001, saying that it was a good day to bury bad news. It is no accident, as the ever dwindling corps of Marxists like to say, that Brown Rudnick filed its claim against the state two days after Christmas of 2001. "LAW FIRM ASKS COURT FOR MORE TOBACCO MONEY," *The Boston Globe* reported demurely.

Although the trial would not start until November 3, 2003, much of the serious combat took place in the preceding twelve months. Some of the pretrial maneuvering seemed trivial. For instance, the state persuaded the judge to prevent Popeo from mentioning Boston's \$14.7 billion "Big Dig," a downtown highway-and-tunnel-construction project, in court. While arguing for a summary judgment, Popeo had pointed out that even in the face of mounting cost overruns, the state wasn't welshing on its payments to the highway contractors. So why single out the tobacco lawyers? "The only thing [the anti-tobacco team] did wrong was succeed," Popeo argued—"a pretty good line," Richlin later admitted.

Van Gestel threw the Big Dig out of his courtroom and also granted Popeo's request to keep certain inflammatory phrases out of evidence. The formal-sounding "Plaintiffs' Motion to ... Preclude the Commonwealth From Introducing Any Evidence Regarding Private Counsel's Post-Contractual State of Mind on Reasonableness of the Fee" forbade Richlin to include any lawyers' statements that they considered the demands "'patently unethical,' 'f-ing absurd' or to make one 'look like a pig.'" These were in fact statements from Thomas Sobol and Frederick Pritzker that had cropped up in depositions. The same motion was also meant to exclude one of Pritzker's many inane pretrial observations: that the Brown Rudnick partners' \$140,000 annual payoff was "not enough for anyone to retire on." Pritzker decided to repeat it on the witness stand anyway.

Each side fielded motions to knock out potential opposing witnesses. Richlin rejected two academics who were prepared to testify for the plaintiffs on the "risk paradigm"; they would have argued that Brown Rudnick's eighteenfold return on its \$10 million investment in the tobacco litigation might have been duplicated in the venture-capital market. He may have done Popeo a favor, by shortening the plaintiffs' endless four-and-a-half-week presentation. "It seemed to me that the plaintiffs' lawyers' strategy was to be very thorough and tedious," the juror Craig Stevens, a mechanical engineer at the General Electric aircraft factory in Lynn, Massachusetts, told me. "It would take three, four, five days for a witness to tell his story, and then another witness told the same story all over again."

Popeo returned the favor by initially including Richlin on his witness list. As the No. 2 man in Reilly's office, Richlin could testify about his boss's decision not to pay Brown Rudnick any more than the arbitrators gave them. (Reilly

could testify too, of course.) "As a tactic, it would be useful for them to put me on the stand and attack my credibility," Richlin told me. If it was a trick intended to get inside Richlin's head, it worked. Richlin offered to withdraw from the case entirely, but two weeks before the trial began Van Gestel granted a motion that kept him off the stand.

Richlin had a trick up his own sleeve. Only Brown Rudnick and Lieff Cabraser had filed suit for the extra fees; the three other law firms that had worked for the Commonwealth demurred. Invoking a provision of Massachusetts law, Richlin forced the three other firms to join Brown Rudnick and Lieff Cabraser at trial. Throwing these firms into the case accomplished two goals for the defense. First, instead of two firms, which would have sued for \$564 million, there were now five firms suing for \$1.3 billion; Richlin wanted the jury to hear the biggest numbers possible. Second, it was at the very least an annoyance to the lead plaintiffs to sit at the same courtroom table with co-plaintiffs who, if asked, would be happy to say that they opposed the case. "I never would have brought this lawsuit," said Joe Rice, a partner in Motley Rice, of Mount Pleasant, South Carolina. "We begged Brown Rudnick not to file the case." The original plaintiffs "went batshit," one state lawyer told me. A full month after the trial was over, Popeo could not contain his scorn for the "free riders" who had contributed not a penny to the plaintiffs' multimillion-dollar effort: "They don't want to look like 'greedy lawyers,' but they want all the benefits of the case. We did all their work for them."

The three firms' official line throughout the trial was that they had not decided whether they would take their share of any Brown Rudnick winnings. The sole partner willing to discuss this subject with me, however, answered my question about sharing the booty along the lines of *Are you nuts? Of course we'll take the money.*

I asked Richlin why he didn't put Rice, one of the architects of the master settlement agreement, on the stand and have him trash Brown Rudnick's case. For one thing, Richlin answered, just because Rice opposed the lawsuit didn't necessarily mean that he thought the 25 percent fee was unreasonable. And anyway, he said, "I had Tom Sobol."

In any complex litigation both sides have "bad facts" their lawyers need to avoid. In addition to its questionable use of tobacco-settlement money, the state had signed the contingency-fee deal not once but twice. Moreover, Harshbarger's office had, in 1998, defended the fee agreement to skeptical state officials, who had toyed with the idea of slashing the lawyers' cut to one percent.

As for the plaintiffs' bad facts, Brown Rudnick and Lieff Cabraser had both represented other states in the tobacco settlement for contingency fees lower than 25 percent. That was inconvenient. Another problem was that they had originally asked the arbitration panel for fees payable for twenty-five years. But because the tobacco companies had negotiated

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an annual cap on payments of legal fees to the states, Massachusetts's lawyers might not receive their full share of the payment in twenty-five years. So now Brown Rudnick was asking that the fees be paid in perpetuity. That demand seemed excessive to Francisca Evans, a juror who left the trial shortly before its completion for economic reasons: her employer, a large mutual-fund company, refused to keep her on the payroll, and she couldn't provide for her six-month-old baby and young daughter on the court's \$50 per diem. "I had a problem with the lawyers' getting paid forever," she told me, "knowing that my family is surviving on fifty dollars."

Van Gestel, who indulged in occasional sardonic asides out of the jurors' hearing, confessed that he, too, found the fees at stake very large indeed. At one point he said to the lawyers, "Just for your own benefit, I get interested in this case from time to time, and I did the calculations last night, and I find that Mr. Pritzker's share is such that in thirty-five minutes he will make what the Commonwealth pays me for a year. That's an interesting number."

Pritzker had made an allusion to not looking like a "pig" in pursuing additional fees. "Pig" is probably the wrong and improper word that I used," he said the moment it escaped his lips.

But the ultimate bad fact for the plaintiffs was the presence of Thomas Sobol, the One Just Man in the eyes of the state's lawyers. Popeo called Sobol a "bitter, disgruntled partner, not from one law firm, but two law firms"—he had briefly worked at Lief Cabraser after leaving Brown Rudnick.

Sobol was the dream witness for the state. He had led all the private attorneys in the Massachusetts case, yet after the \$775 million arbitration award—and he fared quite well in the division of the spoils—he had parted company with Brown Rudnick on the fee issue. His first significant disagreement with the firm came over allocation of its \$178 million. Sobol had been hoping to use a portion of the money to endow public-interest work by the firm. Ultimately, that didn't happen. Worse yet, to his shock, Brown Rudnick awarded no bonuses to the associates, contract lawyers, and paralegals who had been part of his team and had been paid as little as \$10 an hour.

The firm suggested that because Sobol left Brown Rudnick less than two years after the settlement award, he wasn't entitled to his full \$13 million share of the tobacco swag. A contested \$3 million went to charity, and in May of 2000 Sobol signed a separation letter that would later become a *cause célèbre* in the courtroom, mainly for the state's futile ef-

forts to have the letter's restrictive provisions introduced into evidence. Brown Rudnick agreed that Sobol did not have to speak on behalf of any claims the firm might file against Massachusetts. For his part, Sobol would "not publicly oppose, disagree with, or advocate against [Brown Rudnick's] position."

A year and a half later Sobol read in the newspaper that Brown Rudnick and Lief Cabraser were suing the state for the extra fees. One way or another, he was going to have to testify. In 2002, alone among the many lawyers named in the case, Sobol hired his own lawyer and filed an answer to his former firms' lawsuit. Buried at the end of a twenty-four-page document was Sobol's request that the court determine if the Brown Rudnick claim violated a rule of professional conduct that "bars a lawyer from charging or collecting a clearly excessive fee."

Lawyers are paid a great deal of money to read, say, 269 dull paragraphs. Sobol's request appeared in paragraph 268. Suddenly Sobol was showing up on everyone's radar. "He files a response that he didn't have to file, saying the fees may be unreasonable," Richlin said, explaining how the document caught his attention. "And he has his own lawyer. If he's so aligned with them, why does he need his own lawyer?"

Bells went off at Mintz Levin, too. Popeo summoned Sobol's lawyer and reminded him of the nondisparagement clause in the May 2000 letter—Sobol was putting his share of any additional tobacco proceeds at risk. Sobol responded that he wouldn't volunteer information, and that he couldn't be punished for telling the truth under oath. He was deposed for nine days, surrounded by lawyers constantly asserting privileges and filing objections.

Here was the real problem looming for Brown Rudnick: in the bloodless world of corporate law, Sobol was an unabashed crusader who exuded passion for his adopted causes. He *hated* the tobacco companies ("a true believer," one fellow lawyer called him, half admiringly), and he could communicate his loathing. Of all the witnesses I heard on the stand, only Sobol spoke heatedly about suing Big Tobacco. "The tobacco industry is as close to evil as you can get," he said. Sobol had no objection at all to collecting more money—so long as it came out of Big Tobacco's pocket. "When there is less smoking, there is less human misery," he testified. But he opposed taking the extra money from his former client, the state.

Richlin and his colleagues were confident that 90 percent of Sobol's deposition testimony would make it into the trial. "His answers were a treasure trove," Richlin said.

THE BATTLE IS JOINED

Trials are boring, and long trials are excruciatingly boring. Most days Van Gestel's vast courtroom was empty save for the lawyers, the jury, the judge, and we happy few, the handful of interested onlookers.

After a while I felt like a passenger on a cruise ship, perhaps headed for someplace interesting, but becalmed week

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after week in a windless (not exactly) Sargasso of mind-choking legal seaweed. There were a few brief moments around Christmastime when I could have told you what a "Lodestar cross-check" is (don't ask), or the proper role of a "19(a) defendant" (the three extra law firms were 19(a) defendants) in a Massachusetts courtroom.

My fellow passengers proved to be friendly, if cautious. A neighbor of mine, Betsy Burnett, was arguing the plaintiffs' case alongside her better-known partner, Popeo. She and I chatted occasionally, though for understandable reasons she was mostly in what a friend of hers called "lawyer mode" for the lengthy trial. The media-services engineer, Ian McWilliams, whose firm had wired the courtroom for jazzy, oversize screens on which the plaintiffs would display their exhibits, was also amiable, although he had been instructed not to talk to me. So had most everyone else. Case in point: Betsy has full, juror-head-turning blonde hair, and I wanted to identify its shade precisely. I asked a young lawyer for the Commonwealth what shade it was. She thought for a moment and answered, "Ash blonde. But that's off the record."

In court Richlin read out yet another embarrassing Pritzkerism: when contemplating the tobacco suit, Pritzker had said, "I had dollar signs in my eyes. And I know that they were large dollar signs."

Frederick Pritzker, as Brown Rudnick's chief of litigation, showed up almost every day. For better or worse he had become the public face of the plaintiffs. He was amenable to chatting, although not to being quoted. The tightly wound litigator, once a tenacious upper-level squash player at the Harvard Club, turned out to be a comparatively impoverished Boston Pritzker, only tangentially related to the Chicago real-estate barons. Perhaps he needed another \$8 million to remain competitive with his Windy City cousins.

When I first shook his hand, I remarked that he was the most reviled man in Boston, which evoked a knowing smile. Obviously intelligent, and a valued mentor to Sobol, Pritzker had evinced an almost uncanny ability to say silly things in public—he was the rare lawyer to fall victim to excessive-candor syndrome. In his pretrial depositions he had made an unfortunate allusion to not looking like a "pig" in pursuing additional fees. "Pig" is probably the wrong and improper word that I used," Pritzker said the moment it escaped his lips. But it was too late. "PIGS AT THE TROUGH," read the inevitable headline of *The Boston Globe's* widely read "Downtown" column, which quoted from the leaked deposition.

In an interview with another *Globe* reporter, Pritzker made his observation that his partners' \$178 million take was "not something that anybody can retire on." Van Gestel, as noted, had agreed to keep the remark out of the courtroom, but on the witness stand Pritzker blabbered on about how he had been misquoted and how he had been proved right: not one of his partners had retired since the tobacco award.

In court Richlin read out yet another embarrassing Pritzkerism from the deposition: when contemplating the tobacco suit, Pritzker had said, "I had dollar signs in my eyes, even back at that early stage. And I know that they were large dollar signs."

Pro bono work indeed!

The first week of the plaintiffs' case (which I missed) was taken up by Harshbarger's testimony. This was a smart opening demarche, because the earnest Harshbarger, the former president of Common Cause, is well regarded in Massachusetts. As the man who had approved the 25 percent contingency fee, he had nothing but praise for the law firms' excellent work, and his presence posed a special challenge for Richlin, who, as a top state official, could not overaggressively cross-examine his boss's Democratic predecessor.

I happened into court when the partners of Lief Cabraser were furiously explaining away a bad fact—their secret negotiations with the Liggett tobacco company, which took place just as Massachusetts was signing the contingency-fee agreement. The state wanted to prove that if Harshbarger had known of Liggett's willingness to settle the states' medical claims, he might have negotiated a lower fee.

The following day I savored the testimony of the plaintiffs' first expert witness, introduced as Lawrence Fox, of the University of Pennsylvania Law School. (Later in the trial one of Fox's colleagues uncharitably noted that Fox was an adjunct faculty member, and not strictly speaking a professor.) Fox mentioned that he was a Philadelphia lawyer, though no one else in the courtroom seemed to make the connection to the famous Woody Guthrie song about "the great Philadelphia lawyer ... in love with a Hollywood maid." (Much ill befalls him.)

Fox sported a fruity-looking bow tie and addressed the jury in a booming, self-assured voice. He turned out to be what every expert witness is—a trained seal—only more so. Fox went so far as to say the 25 percent fee might be deemed too *low*; perhaps something like 33, 35, or 40 percent might have been more appropriate.

In one of many lengthy digressions Fox waxed eloquent about the possible fee structure of the royalties for *Gone With the Wind*, prompting a rare intervention from the courtly judge. "This is not Hollywood here," Van Gestel said. "We are not dealing with Hollywood cases, and we are not dealing with copyright cases ... I think Hollywood is a stretch from here."

Hearing this, Popeo jumped to his feet and called for a sidebar.

POPEO: I am concerned that your statements reflect a view that the jury will pick up on. I know your views of this case, and you are entitled to them. It may not be Hollywood, but these are lawyers and that is not at all—

VAN GESTEL: I appreciate your comment. I take it very seriously, and I apologize if I have done so.

I just think that Mr. Fox is one who kind of tends to ramble on, in my view, somewhat wildly. I have known Mr. Fox for many years. I hold him in very high regard. He knows a lot about ethical things.

We need to keep this case tied to this kind of case, and he is happy to go on and on. He would lecture for an hour if we let him ...

It isn't so much your questions. It's that the witness takes them as an opportunity to demonstrate how profound he is in the subject and—

POPEO: Experts sometimes do that.

They do. The plaintiffs' final expert witness was another legal megaphone—a tall, strapping law professor (a real professor) named Charles Silver, of the University of Texas. The co-director of the university's Center on Lawyers, Civil Justice, and the Media, Silver boasted of having advocated on behalf of the private lawyers in Texas who angled (unsuccessfully) for the \$25 billion tobacco award. Silver was a card-carrying, University of Chicago-trained free-market guy: the price is what the market will bear, end of story. "I only know one tune," Silver told Richlin during cross-examination. The line worked quite effectively in Richlin's closing argument.

As with Fox, Van Gestel expressed reservations about the supremely self-confident Silver, although the judge carefully kept his remarks away from the jury. Betsy Burnett wanted Silver to talk about "hindsight bias"—the notion that the lawyers' fees looked excessive only when viewed with the benefit of hindsight. Richlin objected, on the grounds that Silver's training was in law and political science, not psychology. Again at sidebar the lawyers were treated to a dose of Van Gestel's skepticism.

VAN GESTEL: You know, obviously Professor Silver is a very bright man, and he's been to very good schools ... I don't know that that gives him the qualifications to talk about some psychological effect ...

BURNETT: I just want to make sure the record reflects it's not pop psychology. Some fellow won the Nobel Prize for talking about it ...

VAN GESTEL: He's not a psychiatrist. He's not a psychol-

ogist. He never practiced in those professions, and he's now going to give what sounds to me like a—tell the jury ... "Well, you have to understand, because I'm very smart about this and I've read a lot about it and I went to a good school and I read what some people who have won Nobel Prizes have said, and, therefore, you have to rule or discount what Scott Harshbarger said because—"

Silver influenced the course of the trial, although not in the way he intended. As part of his testimony he showed a slide of contingency-fee awards from a list that appeared in a trade publication called *Class Action Reports*; it was designed to show that what the plaintiffs asked was not unreasonable. Under cross-examination he admitted that his choice had been selective. He had not shown the jury the complete list. The omitted awards were well below 25 percent—some as low as 2.2 or 3.4 percent. Richlin put all

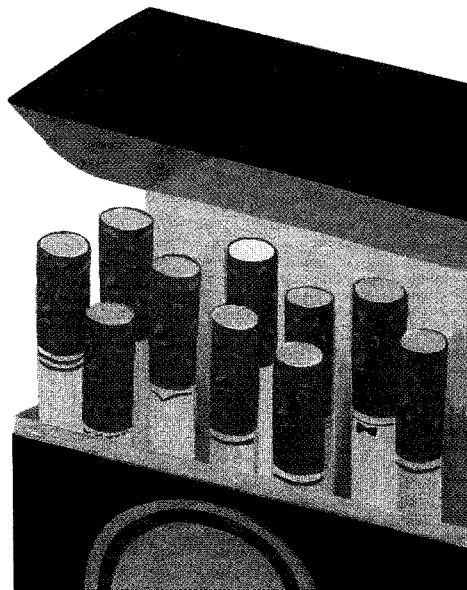
the awards up on the jumbo screen, and the jurors remembered them. "That was very powerful," the jury forewoman, Jo-Ann Schwartzman, recalled to me. When the jury eventually decided to award the lawyers an extra 1.2 percent, for a total of 10.5 percent, she said, they used the *Class Action Reports* numbers to backstop their decision.

Schwartzman added that Silver's freebooting commitment to market capitalism rubbed her the wrong way: "I was concerned that Silver said the only way to motivate lawyers was to dangle more money in front of them. He was clear that that would be their sole motivation.

That was heartbreaking." Later in our conversation she said, "Who wants to live in a world with that kind of do-or-die attitude, where there's no allowance for change, for humanity, or for reasonableness?" I asked if she was referring to Charles Silver's world. "Yes," she said. "The law is the rules, but justice is the spirit. The rules say we have only an hour for lunch"—our lunch meeting had extended well past the hour—"but we don't want to live in that world."

ENDGAME

The plaintiffs' case dragged on, but Van Gestel was adamant that the trial not run past Friday, December 19. Two of the fourteen jurors had already quit the case: Francisca Evans and a woman who couldn't arrange child care during school snow days. The trial could not reconvene in the new year, because two more jurors would be leaving, one to return to school and another for a month-long nonrefundable trip to Africa. Popeo had painted Richlin into a corner. The state's lawyers had about a week and a half to present their case, and they had to ask the jurors to



sit for extra sessions in the afternoons, risking their wrath.

In retrospect (this must be hindsight bias at work), everything went fine. Richlin's experts were no more or less convincing than Popeo's; they were merely paid less—\$250 rather than \$500 an hour. Richlin expected Sobol to be his star witness, and Sobol did not disappoint him. He was

SOME WORDS INSIDE OF WORDS

(for children and others)

The *roc*'s a huge, bold, hungry bird who's able
To eat an elephant. (So says the fable.)
No farmer likes to see one feasting cockily
Right in the middle of his field of *broccoli*.

At heart, *ambassadors* are always *sad*.
Why? Because world affairs are always bad,
So that they're always having to express
"Regret," and "grave concern," and "deep distress."

The *barnacle* is found in salty seas,
Clinging to rocks in crusty colonies;
And salt, which chemists call *NaCl*,
Is found inside the barnacle as well.

What could be sillier than for a *cow*
To try to cross the ocean in a *scow*?
With such a captain, to my way of thinking,
The wretched vessel would be sure of sinking!
No one should be entrusted with a rudder
Who has two horns and four hooves and an udder.

If a *carp* is in your *carport*, go find out
Whether the living room is full of trout
And eels and salamanders, and if there's
A snapping turtle paddling up the stairs.
If that's what's going on, your house (beyond
A doubt) is at the bottom of a pond.

Some snakes are nice to handle, but an *asp*
Is not the kind to take within your *grasp*.
That is what Cleopatra did, I fear,
And, as you know, she is no longer here.

—RICHARD WILBUR

*Richard Wilbur's most recent collection of poems is Mayflies (2000).
He received the Pulitzer Prize for New and Collected Poems (1998).*

convincing on the stand, and he introduced all kinds of facts that proved to be significant. He said that he and Pritzker had thought a \$1 billion award from the MSA would be a "home run"; the state eventually received more than eight times that. He confirmed that the \$25-to-\$35-an-hour contract lawyers racked up at least a fifth of the billable hours in the case—a fact the jury remembered. Furthermore, he repeated on the stand his deposition testimony that an additional \$1.3 billion fee would be "patently unethical"—a quotation the jury was never supposed to hear, at least not from the lawyers.

Sobol also dropped an unexpected bombshell, testifying that Robert Lief, of Lief Cabraser, had told him the extra fees weren't worth suing over. "Mr. Lief told me ... that he did not think it would be in the best interest of the firm to have to sue the Commonwealth," Sobol said. "Mr. Lief said our lawsuit did not make this money, that he found it offensive for the two law firms to take full credit for those funds, and that it had been Joe Rice in connection with the master settlement agreement who had been negotiating for the industry, and that Brown Rudnick and Lief Cabraser had gotten a free ride." Lief flew in from San Francisco the next day to rebut Sobol, affording Richlin some effective rhetoric for his closing argument: "Mr. Lief has testified consistent with his claim for millions, tens of millions, hundreds of millions of dollars to himself. Tom Sobol testified in a way that, if you accept it, you will bring him zero. Who are you going to believe?"

Popeo needed to tarnish Sobol in cross-examination, but he chose a curious tack. Wasn't it true, he asked, that Sobol entertained hopes of becoming a judge, and that supporting the Brown Rudnick fee claim might hurt his chances? Sobol answered yes. But his chances of becoming a judge with such powerful law firms aligned against him suddenly seemed very remote indeed.

At Johnny's Luncheonette I asked Sobol if he still hoped to become a judge. "That's not in my thoughts at this stage," he admitted. "I am concentrating on being a public-interest lawyer." He may be alone among public-interest lawyers in receiving about \$100,000 every year from the tobacco companies—his share of the MSA settlement. Accompanying each check is a "reservation of rights" letter signed by Brown Rudnick's chief financial officer, Barry Berman. Translated into English, the letter says, Don't get too comfortable, pal; we may still sue you for testifying against us at that trial.

After Sobol's testimony, the trial wrapped up quickly. In his closing statement Popeo repeated the essential mantras of his case: "A deal is a deal, a promise is a promise, and a contract is a contract." He compared the state's not paying its legal fees to the Lottery Commission's not paying off a winning ticket—an unfortunate analogy that implied his lucky clients had hit a winning number. He

FROM #1 BESTSELLER

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Author of *The Poet*

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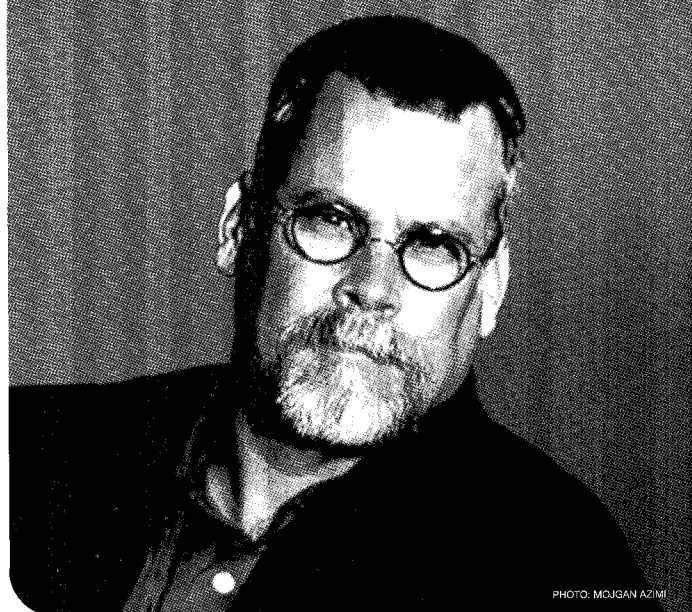


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railed against the state's "shameless intellectual dishonesty," and likened Richlin and his team of young lawyers to the attorneys for Big Tobacco, which angered them.

By comparison, Richlin seemed almost Lincolnesque, appealing to the better angels on the jurors' shoulders. "You have an important job," he declaimed, "and we who represent the Commonwealth have total faith and confidence that you will discharge your responsibilities." Van Gestel's carefully worded instructions were Van Gestelian. He reiterated his view that the law is "first and foremost a learned profession," evidence to the contrary notwithstanding. He expatiated on the doctrine of reasonableness in a manner favorable to the state (his instructions had been the subject of endless wrangling among the lawyers): "If there is a disagreement about the reasonableness of the fee, every client, including the Commonwealth, is entitled to a determination of reasonableness."

The demand that the fees be paid in perpetuity seemed excessive to one juror, struggling on the court's \$50 per diem: "I had a problem with the lawyers' getting paid forever."

I have served on a jury, and in my experience nothing is more powerful than a Friday deadline. Not surprisingly, this jury announced its verdict before lunch on a Friday. A reasonable fee, it concluded, would be 10.5 percent. The cap on annual payments by the tobacco firms virtually ensured that the lawyers would never receive their full fee. Frederick Pritzker's grandchildren would have to go out and earn a living, just as their grandfather had.

It must have been a good decision, because both sides claimed victory, and neither party appealed the verdict. Brown Rudnick and Mintz Levin contended that they had won another \$100 million in fees. "I don't have many cases with verdicts of \$100 million," Popeo crowed. "If that's not a victory, you have great expectations." But Richlin's boss, Tom Reilly, pointed out that the extra money would probably never reach the lawyers, because the payment stream would be halted in 2025, before the full fee had been paid. "The state of Massachusetts doesn't owe a dime to the law firms," Reilly said. "They got what they deserved."

If Reilly runs for higher office, he may lose twelve potential votes—those of the jurors. When she read the quotation in the newspaper, JoAnn Schwartzman told me, "It all hurt. We had a very difficult job, and we weren't trying to make a political statement. We weren't trying to reward or punish anyone."

I've said the trial was boring, and it was. But it was the kind of ennui that commercial airline pilots describe—boredom punctuated by rare moments of intense concentration. During Silver's lengthy testimony Richlin introduced an excerpt from one of Silver's articles that spoke of the "war ... waged for control of the civil justice system."

RICHLIN: Sir, did you feel then that a war was being waged for control of the civil justice system?

SILVER: I felt then that the war was waged, and I know today that the war continues to be waged. It's being fought in this courtroom in front of this jury.

RICHLIN: You feel that what we are doing here is part of the war for the civil justice system, sir?

SILVER: Absolutely. I think you would have to be blind not to recognize the political overtones in this lawsuit.

I caught up with Silver on his cell phone while he was grading exams at a Starbucks in Austin. ("Mind-numbing agony," he confessed.) What, exactly, had he and Richlin been talking about? "Well, you have the trial lawyers on one side, and the insurance companies, the tobacco companies, and the other product defendants on the other side," he said. Richlin agreed, and was even willing to fill in some details of Silver's vision: trial lawyers are generous financial supporters of the Democratic Party, and their opponents in industry, as a rule, support Republicans.

Not for nothing did Joe Rice, a veteran of the asbestos and tobacco wars, donate to the presidential campaign of the Democratic Senator John Edwards, himself an accomplished plaintiff's lawyer. Likewise, Rice also opposed the recent failed effort by Senate Republicans to confiscate all legal fees collected after June 1, 2002, by plaintiffs and class-action lawyers. Officially proposed as the Intermediate Sanctions Compensatory Revenue Adjustment Act, it was nicknamed the "one-yacht-per-lawyer bill." Rice called the bill "the greatest attack on civil rights that's occurred in this century outside of racial [issues], obviously," according to *The American Lawyer* magazine.

The war never ends, this line of theorizing goes. Yesterday the lawyers bankrupted the silicone-breast-implant and asbestos industries. Today they have targeted cigarette and handgun manufacturers. Tomorrow, as everyone knows, they will take on the nefarious merchants of trans fat: McDonald's, Frito-Lay, Taco Bell.

The Richlin-Silver exchange made for great theater, and ever since I have been wondering: Did I sit in a courtroom off and on for six weeks watching lawyers battle for the heart and soul of our civil justice system? Was the case, as Popeo explained to me afterward, a unique test of the separation of powers, of the sanctity of the contract—indeed, of the integrity of the state?

Or was I simply watching some of the best litigators on the East Coast wrangle over astronomical sums of money—sums that few of us laypeople could even understand?

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moja, mbili, tatu

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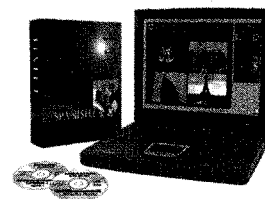
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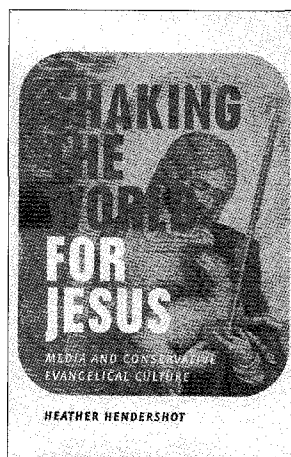
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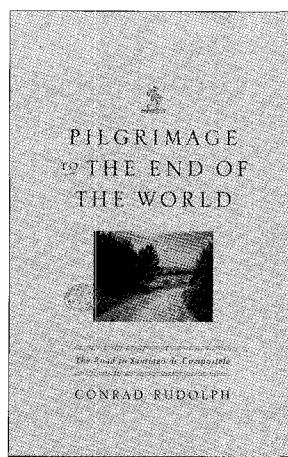
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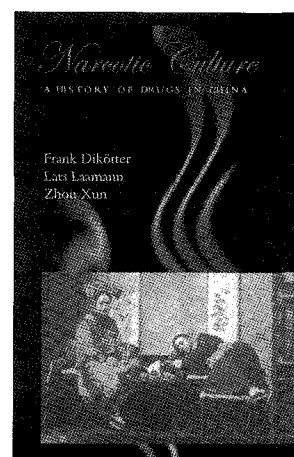
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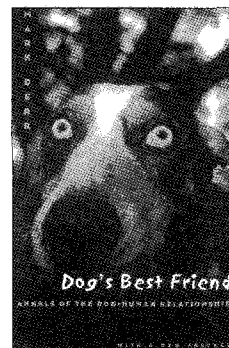
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BOOKS & CRITICS

THIS MONTH:

Offshoring the Audience

"The biggest loser when the American entertainment industry anoints itself culture-maker to the world is, inescapably, the American audience." David Kipen reviews *Screenwriting for a Global Market*, by Andrew Horton.

PAGE 115

Young Men in Shorts

Christopher Hitchens considers the recent reissue of the 1908 handbook Scouting for Boys and the character of its author, Robert Baden-Powell, who wrote that bees "are quite a model community, for they respect their queen and kill their unemployed."

PAGE 121

In the Dark

Remember Me, by Trezza Azzopardi, reviewed by Christina Schwarz

PAGE 125

Shopworn

Sandra Tsing Loh reviews Call of the Mall, Paco Underhill's "most recent foray into the rich, potpourri-and-candle-scented field of retail anthropology."

PAGE 126

What's for Dinner?

"The post-World War II food industry, bursting with tricks it had learned for feeding soldiers overseas," introduced Americans to convenience foods: "dried, reconstituted, indestructible."

Ann Hodgman reviews Laura Shapiro's new book Something From the Oven: Reinventing Dinner in 1950s America.

PAGE 130

NEW & NOTEWORTHY*What to read this month*

BY BENJAMIN SCHWARZ

.....

The creation of an ordered and happy household, the balance between work and home life, the effort to protect the domestic sphere from a harsh and amoral world, the division of child care between fathers and mothers, the question of whether a woman neglects her responsibilities to her children if she leaves part of their rearing to another (especially to someone from a different culture or class)—these issues were largely delineated by the middle class of the nineteenth century, especially in Britain, the cradle of modern bourgeois life, and at that time the home of by far the largest suburban and urban middle class. Since the 1970s historians have been intensely debating and minutely examining every conceivable aspect of middle-class Victorian domestic life, from child care to shopping to mealtimes. The results have often been tendentious and (reflecting the jargon-infected world of trendy contemporary scholarship in the humanities in general) just plain silly. But they have also been spectacularly rich: in many ways we have a more detailed and sophisticated understanding of the mental and spiritual world and daily habits of upper-middle-class women in London in the 1880s than we do of upper-middle-class women in, say, Palo Alto today. Judith Flanders, who writes smoothly and cleverly, has surveyed this scholarship—along with novels, advice books, and some published letters and diaries of the period—to render a detailed and engaging portrait of middle- and upper-middle-class domesticity in London from 1850 to 1890. The book, which was successful commercially and even more so critically in Britain, where it was first published last year, takes an inventive and compellingly voyeuristic approach by exploring a Victorian house room by room: Flanders shows us how each room was furnished, what purposes it served, how it was laid out, how it smelled, who occupied it at different points in the day, and how it was cleaned. In so doing she illuminates the trials and terrors of childbirth; the Sisyphean struggle against dirt (owing to London soot, mantelpieces had to be cleaned twice daily); the duties of servants, who were fixtures of middle-class life (in 1851 one of every three women in London aged fifteen to twenty-four was in service); what people ate and how food was stored, prepared, and discarded; the intricacies of social rounds and entertaining; how children played; how people died and were mourned.



INSIDE THE
VICTORIAN HOME
by Judith Flanders
Norton

The greatest, though I suspect unintended, benefit of this technique is to reveal both the familiarity and the foreignness of the world Flanders has conjured. The terraced houses she describes are still ubiquitous in Britain (one third of British houses today were built before the First World War, and most of these are Victorian). But though their type and layout are recognizable, the lives conducted in them are not—and this is largely because Victorian lives were so terribly insecure. Women of childbearing years and, especially, children were dying in numbers we'd find unendurable. And the houses themselves were death-traps: the larders held food colored with poison, including lead, which was also in the primer on the walls, which were covered in paper that contained arsenic. The aspidistra became a symbol of the middle-class because it was one of the few houseplants that could withstand the noxious fumes in the gas-lit parlors. In her best chapter, "The Sickroom," Flanders details the consequences of a burgeoning consumer culture in a society riddled by and obsessed with death: the fabric, color, and trim of women's mourning clothes were determined by a complex equation that took into account the wearer's relation to the deceased and the time that had elapsed since death. (After the periods of First-, Second-, and Ordinary-Mourning, which could extend for two years, the woman bought her Half-Mourning clothes, which one of the stores that specialized in mourning wear sold in its Mitigated Affliction Department.)

Although vivid, Flanders's rendition is somewhat distorted, largely because of the sources she's used. She has relied heavily on the prescriptive literature of the time (such as *Mrs Beeton's Book of Household Management*, a volume scholars always cite when they want to demonstrate the extent to which rigid and status-conscious codes supposedly governed Victorian women's lives), but this would be akin to future historians' using the idealized world depicted in *Real Simple* to elucidate how people really live in Montclair, New Jersey. Yes, Flanders does often quote from those nineteenth-century letters and diaries, but she's too

often quoting a scholar who's quoting the original source, which means she's using material that's previously been selected to bolster a particular interpretation. In her introduction she implicitly acknowledges that her interpretation follows what has been the prevailing scholarly view for decades: that a central, even defining aspect of middle-class life was its division into separate spheres—a public one, inhabited by men, of the marketplace and politics; and a private one, of home and family, which was a refuge from the harsh logic of capitalism and the sordid exigencies of commercial life. Women, so the thinking goes, were relegated to this inward-turning, sedate, often claustrophobic



domestic life (and indeed, the layout and furnishing of the Victorian house reflected this new and inflexible separation of the public sphere from the domestic). Flanders has a huge library of modern historical literature to draw from; an unbelievable amount of ink has been spilled disputing and refining this view of the relationship among domesticity, women's roles, and the defining of a middle-class identity—an interpretation with obvious resonance today. Feminist scholars wrote nearly all the books, many of which, especially those written in the early 1970s, failed to go much beyond bemoaning the subordination and victimization of nineteenth-century women.

But by far the most influential of these works, **FAMILY FORTUNES**, by Leonore Davidoff and Catherine Hall (Routledge), first published in 1987 and recently reissued in a thoroughly expanded and revised second edition, is also among the most original works of social history of the past twenty years. Although inelegant, imprecise, and (worst) superfluous feminist and Marxist argot mars the lengthy new introduction, which places the book in the context of the historiographical debate it provoked, the body of the work is clearly written. It's dense but daring and fascinating, not least because it imaginatively synthesizes an astonishing array of sources. A history of religion, business, architecture and gardening, currents of thought, civic life, the family, and the changing conceptions of childhood, femininity, and masculinity, the book examines what the authors argue was the provincial middle class's rise and consolidation between the end of the eighteenth and the middle of the nineteenth century, when it imposed its domestic ideal—rooted in the Enlightenment, in romanticism, and, most crucially, in evangelicalism—on the national culture. This complex and often inconsistent process was, Davidoff and Hall acknowledge, "long and uneven," but among other results of far-reaching significance, it engendered the idea of the home's being separate from the workplace, and it produced the notion of "full-time motherhood as a central part of middle-class gentility"; both these developments led to women's becoming "increasingly engulfed by the private realm." (They also led to the kind of private home Flanders describes, and one of the many contradictions inherent in this process was, and to an extent still is, the fact that accompanying this new role for middle-class women and this new domestic life—separate from what Carlyle called the "cash nexus"—was the rise of an army of women who worked as servants in the supposedly private sphere of the home.)

No word of praise is more overused in academe than "seminal," but Davidoff and Hall's book has spawned a host of works that amplify or challenge its intricate and myriad arguments. (So

BARRY BLITT

far Amanda Vickery's 1998 book *The Gentleman's Daughter* is its most effective—and witty—contestant.) The superbly researched and just published **PUBLIC LIVES**, by Eleanor Gordon and Gwyneth Nair (Yale), probes the lives of the inhabitants of one middle-class neighborhood in Glasgow (the second largest city in Britain) by evaluating sources ranging from letters and diaries to business papers, census reports, and probate records. The authors conclude that the lines between the public and private spheres and between the roles of men and women weren't nearly so rigid as today's popular understanding and a lot of scholarly thinking would have it. Although they maintain that their findings contradict those in *Family Fortunes*, in fact that book's thesis is far more sophisticated than a crude dichotomy, and Davidoff and Hall stress throughout that domesticity and the idea of separate spheres were "riven with contradictions."

This isn't to say, though, that Gordon and Nair aren't bucking a trend in popular and scholarly opinion that uses a far less nuanced approach than does *Family Fortunes*. Take the arguments in *Inside the Victorian Home*. To Flanders, the middle-class woman was a "caged bird" living a passive and narrowly circumscribed domestic existence; she was regarded by men as a "child-woman" to be kept in ignorance. So complete is Flanders's conception of the separation of men's and women's worlds that she writes in her introduction that the book will ignore "the role of men" in the domestic realm. In contrast, by meticulously uncovering the daily life of their subjects, Gordon and Nair show that work and home and the public and private spheres were (especially within the professional class) in many ways far more intertwined than they are today; that many men and women prized female intellectual attainment; that the dominant religious ethos impelled some women toward an exclusively nurturing, domestic role, but others toward independence and a public role; that middle-class mothers' conception of their function—and, concomitantly, the amount of time they devoted to child-rearing—varied enormously;

that men were intensely involved in raising and caring for their children, were "indulgent fathers," and were "home-loving, gentle and whimsical"; and that generally the middle class was far less somber (its members partied hard and regularly kept astonishingly late hours), and family and social relations far warmer and more informal, than the stereotype allows (for instance, although Flanders devotes pages to the elaborate etiquette of "calling" as described in novels and prescribed in advice books, Gordon and Nair's scrutiny of how lives were actually led reveals that everyday, drop-in visits were much more common). Indeed, these feminist historians have written a book that could justifiably be characterized as a paean to the women—and men—of the bourgeoisie.

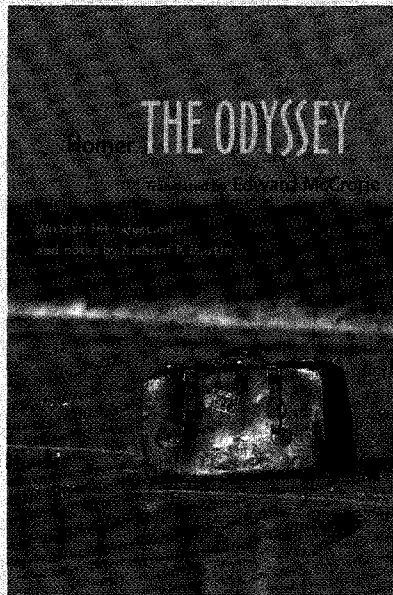
But although they subtly and sympathetically analyze the lives of people too often dismissed by other scholars, and although they capture the rhythms of those people's daily routines with far more precision than Flanders does, they clot their book with infelicitous and fashionable academese ("the occupation of space may have been diachronically gendered..."). Gordon and Nair absorbed fertile material about captivating people, and in communicating their research they could have looked to inspiring models: in the 1950s and 1960s a number of extraordinarily elegant works of scholarship—Walter Houghton's *The Victorian Frame of Mind*, W. L. Burn's *The Age of Equipoise*, and Asa Briggs's *Victorian Cities*, to name a few—focused on the Victorians. The strengths of *Family Fortunes* and *Public Lives*—and the weaknesses of *Inside the Victorian Home*—show that only those who've spent years mining the archives can fully convey the complexities of past lives. But readers will perforce turn to the simplicities of books like Flanders's until the academy learns to write again.

AMERICAN HISTORY

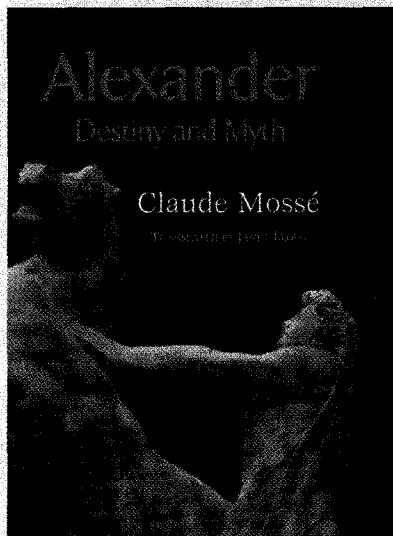
THE GUARDIANS, by Geoffrey Kabaservice (Henry Holt). True, he was Yale's president during the most tumultuous years of its history (1963 to 1977), the only university president to appear on the

covers of both *Time* and *Newsweek*, and he probably remains George W. Bush's least favorite university administrator, but could we possibly need a 550-page biography of Kingman Brewster? Well, yes, because this deftly woven portrait of Brewster and his close friends—McGeorge Bundy, Elliot Richardson, John Lindsay, Cyrus Vance, and Paul Moore—is among the most revealing books ever written about the liberal establishment. The author is plainly nostalgic for the leadership and style of these fellows, who he believes were justified in seeing themselves, by virtue of their breeding and abilities, as the country's guardians. He thus gushes at times (his assessment of JFK's Administration is positively Sorensenian), and to be sure, he usually provides the most generous interpretation possible of his subjects' actions, including Brewster's and Bundy's flirtations with radical chic (in his speech about the murder trial of the racist and thuggish Black Panther leader Bobby Seale, Brewster notoriously declared, "I am appalled and ashamed that things should have come to such a pass in this country that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States"; and Bundy, as president of the Ford Foundation, granted money to CORE after that organization had purged its white members and after one of its leaders had made racist threats against white teachers). But Kabaservice is so thorough a researcher and so comprehensive a storyteller that his chronicle leaves ample room for other, less charitable interpretations. After all, in addition to such worthy accomplishments as making Yale coed and doggedly attending Bilderberg, Aspen Institute, and Law of the Sea conferences, one or more of these men were partly or largely responsible for such disasters as the Bay of Pigs, the Vietnam War, the bankrupting of New York City, and the blight of "urban renewal" (New Haven, the cynosure of that effort, remains abjectly unrenewed nearly four decades later.) Why did these men, who were convinced of their own brilliance, so often make such a hash of things? It turns out that although they were all quick, clever, and poised, their

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intellectual attainments were negligible. Brewster and Richardson admitted that they didn't like to read—they preferred to get their ideas from schmoozing. Richardson—about whose book the most Kabaservice can muster is that it contained "high-minded ideas about government and citizenship expressed in elaborate prose"—may have held more Cabinet posts than any other man in history, but he failed to make a lasting mark in any of them (Bundy certainly left his mark as National Security Adviser, but probably he wouldn't be pleased to be remembered as the pseudo-tough guy advocate of the "graduated escalation" of the Vietnam War). I thought I knew quite a lot about these men before reading this book, and although many of their public stances and policy positions struck me as misguided or ridiculous, I was inclined to see them fairly kindly. But what clearly, if inadvertently, emerges from this book is their most unlovely disdain for so many of their countrymen, whom they believed they were born to lead. Although they repeatedly wrung their hands over the plight of minorities (referring to the gun-toting black militants who occupied Cornell's student center, Brewster said it was pretty much inevitable that they would "resort to violent efforts to compensate for [their] own insecurity," and he deputized his personal assistant, a liberal, blue-blooded old CIA hand, to help at "building bridges" to "the most militant black activists"), they consistently failed to extend the same sympathy to those of their fellow citizens whom they perhaps regarded as less exotic—to those whom a friend and fraternity brother of Brewster's, the diplomat L. Douglas Heck, dismissed as "hard-hat Middle America[ns]." Richardson sneered at suburbanites in their "little houses made of ticky-tacky." Meanwhile, Bundy characterized the American Legion as "composed largely of the same class of people as those who brought Hitler to power—the penny-proud, ignorant petit bourgeois folk ..." Kabaservice recounts John Lindsay's solipsistically self-righteous response to complaints that "all the taxes came out of the white pockets to be spent in black neighborhoods" (the city's welfare

spending rose by \$600 million during Lindsay's first term). "We," this product of St. Paul's, Yale College, and Yale Law School lectured to his working-class Brooklyn constituents, "have three hundred years of neglect to pay for." These men believed it their duty and their right to guide and rule what Kabaservice calls "the multitude." ("Vote for Elliot Richardson," read a bumper sticker his political opponent composed, "he's better than you.") But after reading a tome-ful of declarations such as Brewster's "We [members of the Yale community] are best equipped to be our brother's thinker," one finds oneself agreeing with the young and intemperate (and improbably populist) William F. Buckley Jr., who called this bunch "haughty totalitarians who refuse to permit the American people to supervise their own destiny."

CLASSICAL STUDIES

THE GREEKS AND THE IRRATIONAL, by E. R. Dodds (California). Among the most influential works of classical scholarship of the past sixty years, Dodds's book, based on his 1949 lectures at Berkeley and just reissued, uses the insights of psychology and anthropology to illuminate the primitive and irrational—and to the modern mind, often repulsive and frightening—aspects of the ancient Greeks' mentality. Admittedly, anachronisms from the age of Freud very occasionally vitiate his analysis (and the book inspired the psychologist Julian Jaynes's highly speculative, sometimes brilliant, but often just wacky *The Origin of Consciousness in the Breakdown of the Bicameral Mind*), but Dodds's bold approach was grounded in impeccable scholarship (he was the Regius Professor of Greek at Oxford). This book, M. I. Finley's *The World of Odysseus*, and James Davidson's *Courtesans & Fishcakes* remain the most penetrating examinations of the Greeks' profoundly alien culture that this layman has encountered. A gracefully written, shimmering work, it will, as Dodds hoped, interest anyone concerned with "the springs of human behavior." **A**

Benjamin Schwarz is the literary editor and national editor of The Atlantic.



BOOKS

OFFSHORING THE AUDIENCE

If France makes movies for the French, and America makes movies for the world, who's left to make movies for America?

BY DAVID KIPEN

.....

This country's getting to where it can't hear its own voice. —Woody Guthrie

CEOs of the seven major movie studios routinely top lists of the hardest bosses to work for in corporate America. Fox's Rupert Murdoch and Paramount's Jonathan Dolgen didn't get where they are by fixing their own paper jams. Imagine, for a moment, what it must be like to report to any of them.

Okay, now imagine what it would be like to work for *all* of them. That will be the fundamental job description of the Motion Picture Association of America's new chair: somehow keeping these seven demanding people happy, or, absent that, minimizing their apoplexy. As this essay went to press, no one knew who would win this dubious prize, or why anybody in his right mind would want to. The retiring Congressman Billy Tauzin, of Louisiana,

even considered flacking for the pharmaceutical industry rather than take the MPAA job, but he discovered that his erstwhile position overseeing drug legislation may have left him both over- and disqualified. The old MPAA head, Jack Valenti, kept his own snowy one attached to his shoulders only by tirelessly lobbying before the two bodies that most affect his minders: the World Trade Organization (and its precursors) and the U.S. government, from which Valenti

sprang thirty-eight years ago as a young LBJ apparachik.

In the course of his slow-motion fadeaway at the National Association of Theater Owners convention, in March, Valenti cited two intriguing statistics: first, that domestic theatrical admissions had declined by four percent in 2003; then, as a silver lining, that the international box office was up by five percent.

But at no time did he appear to entertain the possibility that these two statistics might be in some way connected.

The reason these two percentages resemble each other so closely is that they reflect the exact same phenomenon as seen from opposite directions. They are, in fact, two sides of the same coin. The movie business is booming abroad precisely *because* Hollywood is making pictures for the world market—at the expense of customers in America, where, not surprisingly, business is tanking. It's that hoariest of economic clichés, a zero-sum game. Lately the film industry has been wringing its hands over “runaway production,” which is understood to mean forsaking good old union shoots in Culver City or Burbank to film on the cheap in Vancouver or Romania or New Zealand. This is a legitimate problem, but far from the most serious one facing the industry. A far graver threat is runaway consumption: looking abroad not just for the workers who make the movies but for the customers who watch them.

None of which especially troubles all the screenwriting gurus who can't make a living writing movies themselves but keep coming out with books like

SCREENWRITING FOR A GLOBAL MARKET

by Andrew Horton
California

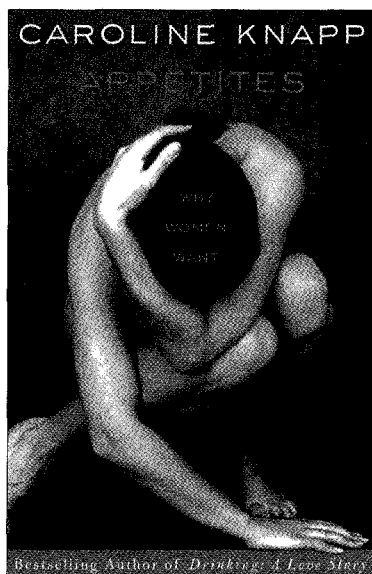
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Andrew Horton's *Screenwriting for a Global Market*. This volume starts with fifty pages or so of the author's war stories from his days not only as an Oklahoma film professor and convener of screenwriting seminars but also as a co-writer on various international co-productions—all either anemically distributed or unproduced. There follow forty pages of Horton's frankly feeble attempts at film criticism, interspersed with numerous quotations from the films' customer reviews on, embarrassingly, the Internet Movie Database. For the rest of the book Horton surrenders the writing duties almost entirely, handing them off to friends, some of whom visited his campus in November of 2000 for a "global screenwriting conference." Leaders of such script seminars resemble nothing so much as the California shopkeepers of 150 years ago who made a mint off the Gold Rush without ever finding a nugget of their own. Why prospect for pennies a day when you can get rich selling prospectors five-dollar hard-boiled eggs instead? Horton himself seems a good enough egg. He hands out encouragement and exclamation points like candy corn. "Vive la différence!" he enthuses, on his perennial subject of cross-cultural collaboration. Later, as the 200-page mark heaves into view, it's "Write and enjoy!" In the face of such cheerleading eagerness to please, dogpiling onto *Screenwriting for a Global Market* feels almost unsporting. But for people who watch movies, Horton's choice to focus on the international market—which imparts the book's only lasting interest—is a dispiriting sign of the times.

Inevitably, the pervasive Hollywood question "Is there an international end to this?" has consequences for what sorts of pictures get made in America. Many countries, France most loudly, have condemned incursions by American culture, lamenting all the film and TV bookings lost by indigenous creations. Probably they're right. Every bit as alarming, though, is what this tendency is doing to Hollywood films. If France makes movies for the French, and America makes movies for the world, who's left to make movies for America? Would masterpieces like *Mr. Smith Goes to Washington*, played against a background of Washington

senatorial skulduggery, and *His Girl Friday*, with its muzzle-loading, too-fast-to-translate comic dialogue, even get produced nowadays?

Here, alas, is the virus laying waste to modern Hollywood movies. What do, say, the *Batman* and *Matrix* pictures have in common, besides banality? Just for openers, insipid, infrequent dialogue. Why take the trouble to bang out good lines—supposing one can—if they'll only be mistranslated for their real target markets, abroad? Both these movies could have been silents if they weren't so loud. They're overbearing, carelessly told, and gang-written into incomprehensibility. Small wonder they were tepidly welcomed in the United States. Americans at the movies are guilty of the same mistake in the early twenty-first century that grown-ups made at the movies in the 1980s: supposing that the pictures are made for them.

From this perspective one can see global movie distribution as a species of product-dumping—except that movie-making may be the only business that generates more revenue by dumping shoddy widgets overseas than by selling first-rate ones at home. Today's bad movies are made to be dumped. This neatly inverts what's happened in the tobacco business. Rather than drum up a world full of buyers to compensate for disappearing customers and inimical lawmaking stateside, as cigarette makers do, movie moguls are writing off a vigorous niche at home in favor of burgeoning theatrical and satellite opportunities abroad. American film studios have done what most other industries only dream about, however shortsightedly: they've offshored their customers.

By now the American moviegoer may only dimly remember the type of movie that used to address him not just as a customer but as a countryman. *Mr. Smith Goes to Washington*—the only picture ever named to both *National Review's* list of the "best conservative movies" of all time and the recommended-films list of the Democratic Socialists of America—occupies a genre historically dismissed as box-office poison abroad. Movies with plenty of rapid-fire banter, movies with more than one African-American character, movies about athletics (espe-

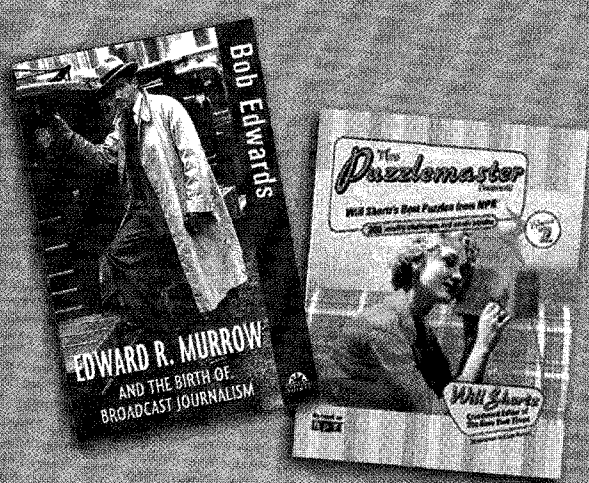
cially baseball)—all these vie for the title of “most notorious international box-office jinx”; but movies about politics have them all skunked.

The conventional wisdom says that the world’s moviegoers don’t appreciate the niceties of U.S. politics. Who wants to see a film about something he or she doesn’t understand? (This may help clarify why hardly any political pictures since *All the President’s Men* have raked it in with domestic moviegoers.) Somehow, though, *Mr. Smith* got produced, and in the same glory year—1939—that yielded easily a dozen other classics, including *Gone With the Wind* and *The Wizard of Oz* (both directed by Victor Fleming, whose impending biography from the Baltimore *Sun* film critic Michael Sragow can’t come out soon enough). These classics got made because in 1939 pictures didn’t cost an average of \$100 million apiece to make and market, and so could find their way into the black without pandering to international audiences. Ultimately, they got made because in 1939 the world market was still just a nice bonus, a modest hedge against a fickle industry’s occasional reverses.

Now, in contrast, the hedge has outgrown the castle. International film box-office revenues regularly surpass domestic ones. If expectations for a movie are high enough, it will open in major markets around the world concurrently with its American release, largely to avert the threat of piracy. In our lifetimes instantaneous worldwide satellite-to-theater distribution is expected to render all but obsolete the cumbersome process of striking thousands of prints and mailing them around in heavy metal cans. Put all this together with the found money of still-booming DVD sales both here and abroad (which has helped disguise fundamental long-term weaknesses in the industry), and North American box-office returns don’t look like the main attraction anymore. In less than thirty years, roughly since the premiere of *Star Wars*, domestic grosses—once the industry’s bread and butter—have become a virtual loss leader.

The 1970s, according to received wisdom, represented the last great flowering of American film. We’re regularly

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assured that *Easy Rider* and *The Wild Bunch* inaugurated a golden age to rival the 1930s, and it's a tenable case. A book published last year, the British film critic Ryan Gilbey's *It Don't Worry Me: The Revolutionary American Films of the Seventies*, parrots the party line about seventies filmmaking with craven auteurist loyalty. The studio system collapsed under its own weight, the thesis goes, and into the breach rode a generation of young directors who first rescued and then ruined Hollywood—or were ruined by it. Gilbey even devotes each of his ten chapters to a different seventies auteur: Altman, Scorsese, Spielberg, and the rest.

One could, however, imagine a very different book about 1970s filmmaking that profiled none of these men. Instead it would devote a chapter apiece to the less erratic, more thematically unified work of each of the men and women who

and Richard Corliss (*Talking Pictures*), most American critics have bought into auteurist orthodoxy without thinking twice. For decades the tacit transatlantic understanding about film has gone roughly like this: America sends France movies, and France sends America theory. French movies, brilliant though they can be, tend not to make much impact at American theaters, but French theory—like a proliferating non-native plant—has driven out any domestic attempt at a poetics of American film.

This one-sidedness all but ignores the possibility that auteurism has historically worked much better as a way of discussing French movies than American ones. Without getting all bollixed up in Platonist categories, it's not too far-fetched to suggest that what used to make American films recognizably American was not how they looked but how

One can see global movie distribution as a species of product-dumping—except that moviemaking actually generates more revenue by dumping shoddy widgets overseas than by selling first-rate ones at home.

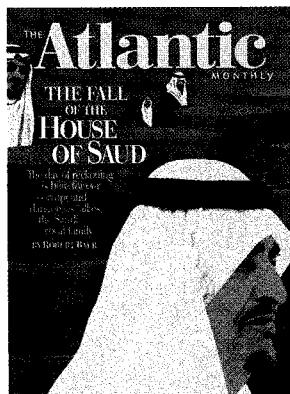
merely wrote all those illustrious directors' movies for them. Rather than draw tortured auteurist parallels between *The French Connection* and *The Exorcist* simply because William Friedkin directed them both, such a book might more profitably examine the career of, say, Robert Getchell. In the 1970s Getchell received sole screen credit for both *Alice Doesn't Live Here Anymore* and *Bound for Glory*. In the years since, he's written, among others, *Sweet Dreams* and *This Boy's Life*. Yet no film scholars think to study Getchell's career—whatever its inevitable contingencies at the whim of studio fortune or favor—as an organic whole. Add to Getchell's body of work those of the similarly anonymous Buck Henry, Nancy Dowd, Waldo Salt, and any number of others, and it becomes apparent that the 1970s represented not the decade of the director but a golden age of screenwriting.

To read most director-centric film criticism, of course, one wouldn't suspect anything of the kind. With the exceptions of Pauline Kael (*Raising Kane*)

their screenwriters made them sound. Through the work of journalists like Herman Mankiewicz and Ben Hecht and playwrights like Robert Sherwood, the American talkie came to value word over image, persiflage over mise-en-scène, verbal swagger over visual sweep. Nor is this priority merely a relic of the 1930s and 1940s. One has only to cock an ear at the magnificent byplay in Peter Stone's script for *Charade*, or the tongue-and-groove carpentry of Paddy Chayefsky's *The Americanization of Emily* (that rare movie whose hero ultimately makes a choice with which the audience is invited to disagree), to hear the voice of Hollywood film at its most thrillingly American.

Most of the breast-beating about American film overseas usually accompanies more or less the same song: poor Gilles, he'd like to take Odile to a new French *filme*, but those Yanqui cowboys are tying up all the theaters. Well, what about Phil, who just wants to see a good Hollywood picture like the ones he used to know, only it so happens the kitchen ran out of that dish around 1975?

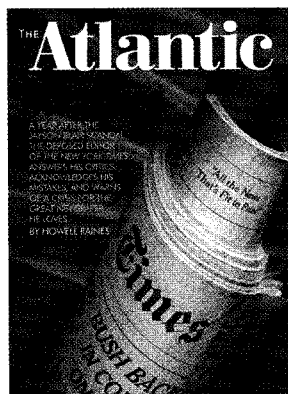
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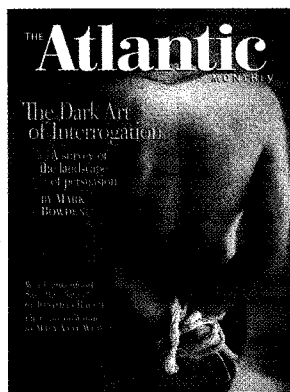
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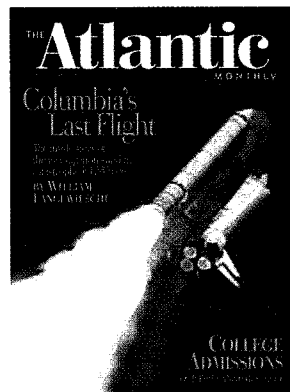
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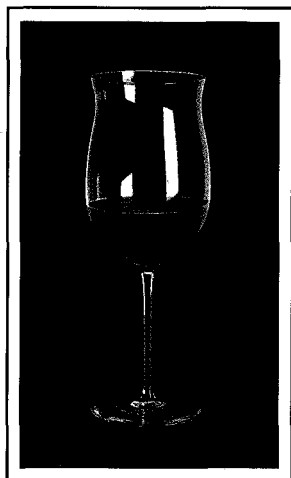
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Before anybody makes free with charges of cultural imperialism, we ought to spell out just who that imperialism's victims are. Foreign film and television industries, up to a point. Foreign audiences, to be sure. But the biggest loser when the American entertainment industry anoints itself culture-maker to the world is, inescapably, the American audience. Good foreign films just aren't getting American distribution the way they used to, and that's deplorable. But even worse, from our perspective, is that nobody's making movies just for us anymore.

Unlike the French film industry, Hollywood posts a trade deficit but once a year. That's at the Oscars, where British, Australian, and foreign-language films increasingly dominate in key categories. Consider this year's nominees for best original screenplay: *The Barbarian Invasions*, by Denys Arcand; *Dirty Pretty Things*, by Steven Knight; *Finding Nemo*, by Andrew Stanton, Bob Peterson, and David Reynolds, from a story by Stanton; *In America*, by Jim Sheridan, Naomi Sheridan, and Kirsten Sheridan; and *Lost in Translation*, by Sofia Coppola, which won.

Take away the victorious independent film (set in Japan) and the cartoon (set off the coast of Australia), and we're left with a Canadian, an Englishman, and three members of the same Irish family. The previous two years' winning scribes, Pedro Almodóvar (*Talk to Her*) and Julian Fellowes (*Gosford Park*), weren't American either. The former's film wasn't even written in English; nor was its fellow nominee *Y Tu Mamá También*. Effectively, the major American studios and their writers are out of the originality business. As the savvy film columnist Patrick Goldstein wrote earlier this year, "In today's Hollywood, if you're talking about serious drama, the original script is almost as extinct as a woolly mammoth."

American writers fare better in the adaptation category, where some audience familiarity with the source material tends to make production chiefs less nervous about green-lighting movies. But adaptation is an interpretive art, like criticism or symphony conducting—or, for that matter, film directing. The artist in one of these fields can't really start his work until the original artist finishes his.

For this reason the health of the original-script market is more reliable than the market for adaptations as a bellwether of the industry's health. And by that standard, if by few financial ones (yet, anyway), American film is in a world of hurt.

The reasons for this, like the names of the devil, are legion. Corporate studio ownership doesn't help. The concomitant tyranny of opening-weekend box-office performance, which favors blockbuster adaptations over gradual, word-of-mouth hits, helps even less. But these and other factors are as nothing compared with the globalization of Hollywood.

None of which should be construed as an argument against cultural exchange, or for xenophobia. In theory, film as the universal language is a laudable goal. In practice, it'll have to wait for a world less divided by linguistic, social, and religious barriers than this one. Maybe someday, as it was when movies were young, the world's lowest common denominator will be a Charlie Chaplin comedy. For now it's still *The Matrix: Revolutions*.

Can American film be saved from the multinationals who are heedlessly globalizing it into gruel? Probably not. Hollywood persists in offshoring its audience, with the direst consequences for which movies get made and how. It grows ever harder to believe that the Writers Guild actually used to give an annual award for the "screenplay dealing most ably with problems of the American scene." It was the Robert Meltzer Award, named after a promising screenwriter who died following the Normandy invasion. In 1949 there were eleven nominees for the Meltzer Award. In 1951 the award was suspended—perhaps because, by then, even admitting that the American scene might have its problems was a great way to get yourself subpoenaed. But in the 1970s (regardless of who gets the credit) movies dealt more ably with problems of the American scene than they ever had before, or have since. And today? Today the American film landscape increasingly resembles a decrepit city, ringed by lucrative international markets like so many prosperous suburbs, but burnt out and hollow at its core. ▀

David Kipen is the book critic for the San Francisco Chronicle and NPR's Day to Day. He was formerly an editor at Daily Variety and Buzz magazine.

YOUNG MEN IN SHORTS

The 1908 Boy Scout manual was, our reviewer writes, "one of the very few books of the twentieth century that actually led to the formation of a worldwide movement"

BY CHRISTOPHER HITCHENS

.....

In 1988, shortly before the expiration of communism in Eastern Europe, I was waiting on the platform of a Prague subway station. The idea was that a member of the civic opposition would recognize me by the book I was carrying and escort me to some illegal gathering. The precautions were hardly necessary, since the regime was by then in an advanced state of decay and inanition, but I am glad I went through the "drill," because I might otherwise have missed witnessing one of the symptoms of that decadence. Onto the platform was led a spiritless troop of pre-teenage boys, all wearing makeshift uniforms of shorts and blouses. Round their necks were faded red kerchiefs. In command was an adult Communist of scarcely believable bloat and scrofulousness, who looked as if it would be beyond his power to motivate his charges even to whistle, let alone to sing an uplifting anthem. They were trudging off on who knows what futile errand of party-building. I thought of Milan Kundera's caustic reference to "pointlessness" as one of the special arts of the system. Here was another prefiguration of the coming fate of "actually existing socialism": its listless Young Pioneers were clearly no match for the pack of keen-eyed, clean-living, Kipling-quoting lads whose organization had long outlived the empire it had been formed to uphold and defend.

Happy, perhaps, the country that needs no "youth movement." In common with its comparable rivals, Victorian Britain managed quite well without one. There were some church-inspired groups for the children of the deserving poor, and conscription and emigration took care of many of the rest. The South African, or Boer, War, however, altered the picture in two ways. Sudden reverses in the field meant that new drafts of

manpower were required at short notice, and the establishment discovered to its shock and dismay that Britain's cities and slums were producing narrow-chested, knock-kneed, wheezing, rickety specimens. Sir Frederick Maurice wrote a treatise concluding that only two out of five recruits were physically fit for military service. (The authorities were to make very much the same "discovery" in 1914 and 1939, before deducing that a welfare state was cheaper in the long run.) The second catalyst was the siege and eventual relief of the town of Mafeking.

Some pseudo-events cease to be pseudo because of their sheer aptness for the moment. It is likely that Mafeking

was never in much danger, and the Boer farmers were in any case always the military inferiors of the vast British army. But the "siege," which went on from October of

1899 to May of 1900, was presented at home as something Homeric. Moreover, Mafeking's gallant defender, a British officer named Robert Baden-Powell, possessed all the qualities that the British public adored. Handsome and humorous, with a solidly researched and pop-



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ular book (on wild-boar hunting, or "pig-sticking") under his belt, he excelled as a raconteur and a producer of impromptu dramatics. Picture Flashman without the seamy side. The perfect gentleman amateur cheering up what had been a distinctly sordid and depressing colonial war, he brought the public-school virtues of Kipling and Henry Newbolt to vivid life. One of the more inspired schemes during the siege was to organize the British boys of the town into a troop of "scouts," and to use them for running messages and doing the simpler sorts of reconnaissance.

A third catalytic element, in my opinion, was the death of Queen Victoria, in 1901. Take a society that has just endured a demoralizing war, lost its reassuring regal figurehead, and simultaneously been made aware that its "stock" is becoming unfit. Add a challenge from nearby European empires—most notably the German one, which had backed the Boers—and one is in grave peril of having to look for a national savior who can appeal to the spirit of youth. All things considered, then, it could have been a good deal worse than it was.

Baden-Powell was not a megalomaniac (though he did at one point say that the Scout motto, "Be Prepared," was inspired by his initials, which were also his scouting nickname). Nor was he a sadistic, repressed pederast. He was a racist and an imperialist and a monarchist, all right, but most of the time to a temperate degree. The British skill at "pig-sticking" was, he asserted (in another reference to a subject he could hardly bear to stay away from), proof of a natural superiority. He had charm and courage, and a knack with the young, and he could draw excellent freehand illustrations. All these qualities are evident in this best-selling manual of 1908, now cleverly reissued by Oxford University Press. It's one of the very few books of the twentieth century that actually led to the formation of a worldwide movement.

Difficulties obtruded themselves as soon as the Scout appeal caught fire and began to spread. In principle its ethos was supposed to be universal, just like the empire itself, yet also a matter of Britishness. The idea was to recruit boys from poor backgrounds, although

Baden-Powell believed in a near caricature of middle-class ideals. And the plan for a eugenic redemption of the young from all forms of degeneracy was awkward by nature, since it involved teaching boys about subjects that were generally thought to be unmentionable. Thus B-P's famous account of the perils of self-abuse has been allowed to eclipse almost everything else he wrote.

Having with admirable matter-of-factness described what the temptation to solitary vice actually involves, the old boy went on to warn, "The result of 'self-abuse' is always—mind you, *always*—that the boy after a time becomes weak and nervous and shy, he gets headaches and probably palpitation of the heart, and if he still carries it on too far he very often goes out of his mind and becomes an idiot." This admonition was driven home, as it were, by the further warning that "several awful diseases come from indulgence—one especially that rots away the inside of men's mouths, their noses, and eyes, etc." What a terrifying "etc."! (For a hilarious but sobering account of a boyhood blighted by this kind of advice, see Dalton Trumbo's epic letter to his son Christopher in *Additional Dialogue: Letters of Dalton Trumbo*.) B-P counseled his readers to lay off for another reason: namely, that misuse of the "parts" when young would render those parts useless when it came time to procreate.

The account, which appeared in a section called "Continence," concluded with some manly, useless, straight-from-the-shoulder advice ("Avoid listening to stories or reading or thinking about dirty subjects") and then veered wildly into a diatribe against unemployment and overpopulation: "It is at present a disgrace and a danger to England that from want of self-restraint among men and women thousands upon thousands of children are born every year for whom there is no work and no money."

Michael Rosenthal pointed out an obvious inconsistency here in his brilliant 1986 study *The Character Factory: Baden-*

Powell's Boy Scouts and the Imperatives of Empire—an indispensable companion volume to this one. If masturbation led to sterility, surely it would be of some help in limiting the rise of a surplus population. Obscure though the connection may have been in B-P's mind, the contradiction still may not be quite as evident as Rosenthal supposed. It was intended that the scouting type should reproduce, whereas the base and ignoble should not. In any event, and because of its explicitness on the subject at hand, as it were, the "Continence" chapter was eventually dropped.

The more enthralling parts of the Scout manual were those that trained small boys to look for clues, read signs and spoor, and be on the watch for evildoers. Leaning heavily on Sherlock Holmes, and with a fund of tales from his own adventures in jungle and desert, B-P raised generations of amateur detectives. Until I realized that it was a no-smoking, no-drinking outfit, strongly pro-God and pro-Queen, I was vaguely drawn to the Scouts myself. But then there was all that stuff about lighting a campfire

with nothing but dry twigs, and making beds out of bracken, and extracting stones from horses' hooves. To say nothing of what everyone had heard about scoutmasters ... It was easy to ridicule the strenuous high-mindedness of the thing, with its ever present element of farce and its somehow sinister stress on short trousers.

When B-P dropped his genial tone in the manual, and ceased discoursing about derring-do and the marvels of nature and wilderness, he could sometimes be sinister too. Here is his introduction to Chapter VII, "Chivalry":

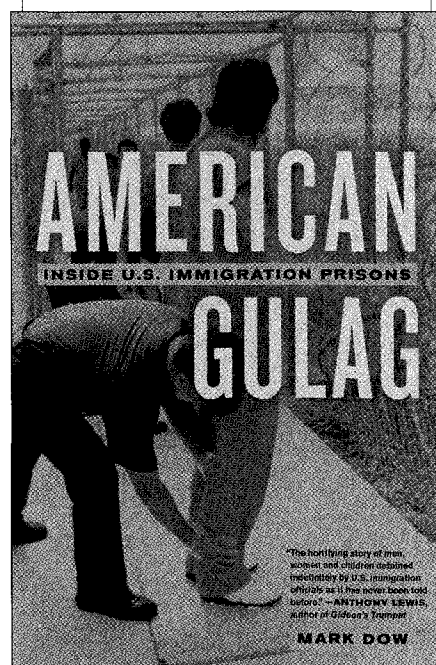
One aim of the Boy Scouts scheme is to revive amongst us, if possible, some of the rules of the knights of old, which did so much for the moral tone of our race, just as the Bushido of the ancient Samurai Knights has done, and is still doing, for Japan. Unfortunately, chivalry with us has, to a large extent, been allowed to die



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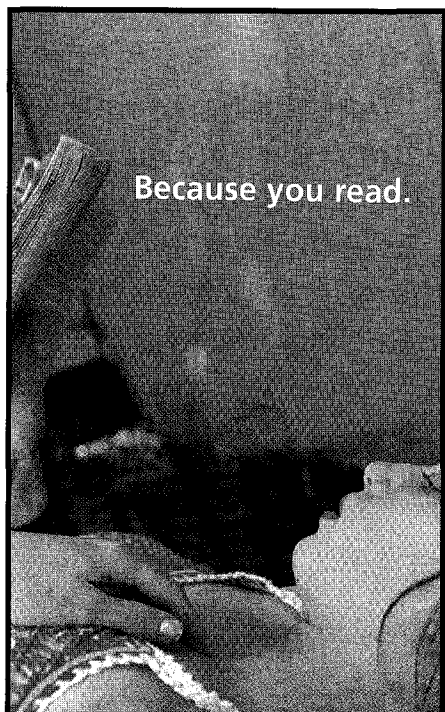
—DAVID COLE, author of *Enemy Aliens*

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out, whereas in Japan it is taught to the children, so that it becomes with them a practice of their life, and it is also taught to children in Germany and in Switzerland with the best results.

In another passage, dealing with the then recent Russo-Japanese War, B-P wrote admiringly of Japanese suicide soldiers at Port Arthur, whose "plucky self-sacrifice enabled their comrades to get in and win the place for the Emperor." I don't know why B-P was so pro-Japanese, since an exercise of the same sort on the Russian side would also have won Port Arthur for an emperor, and a Christian one at that; but Bushido may have made the difference here.

By 1916, in the eighth edition of *Scouting for Boys*, the commendation of German methods in the drilling of youth had been dropped. However, B-P's admiration for the militarism of other countries, with its implied rebuke to British "softness," never ceased to be a problem for the Scout movement. B-P did not live long enough (he died in January of 1941) to be forced to revisit his admiration for Bushido and kamikaze, but the defeat of Germany in 1918, and that country's subsequent re-emergence as a regimented and expansionist power, if anything rekindled his enthusiasm. So did the precedent of Fascist Italy: in 1933 B-P visited Mussolini and hymned the Balilla, or Blackshirt youth organization. In a published interview he reported with gusto,

The Duce realises that if his Fascist revolution is to live its permanence will largely depend on the moulding of the men of tomorrow.

As he remarked to me, "Our future is in the hands of the boys." He is himself a "boy-man," with sons of his own and fond of boys ... The B.S.M. [Boy Scout Movement] had been widely established in Italy many years before Mussolini's advent, and when his scheme came to be adopted for all boys the Scouts were naturally absorbed into it. But to them the change was not a great one, since the new organisation was formed on the lines of the Scout movement.

The visits by Bernard Shaw and other fellow travelers to the USSR simply pale, in point of credulity, beside B-P's question to Il Duce about the "volunteer" character of the Balilla.

I asked Signor Mussolini how this was brought about, and with a very appropriate gesture he said, "Simply by moral force." The fact that moral force is already exercising so strong an effect on this young experiment augurs well for the future of Italy.

One wonders what that "appropriate gesture" was.

When it came to Germany, B-P was equally boneheaded. He actually upbraided one official of the Scout movement who did not want to be associated with the Hitler Youth. The head of his International Bureau, Hubert Martin, reported that a German scouting leader named Riecke had been dispatched to a camp for the offense of proposing an independent, non-Nazi movement. B-P responded testily that Riecke had been sent there "not for international tendencies, but for homosexual tendencies!" This is the only reference to that dread subject that I know of in



Scout's salute and secret sign

his writings; an accusation repudiated with indignation when made—often unfairly—against British scoutmasters was taken at face value when made by Hitlerites. It's pleasant to record, however, that B-P was outvoted on this question, and that the BSM never recognized the Hitler Youth as a model or as a partner.

Its emphasis on the outdoors and on personal courage and initiative notwithstanding, the scouting ethos had always had something modern and totalitarian about it. B-P could not even keep his nature notes under control: he told his trusting readers that industrious bees were to be admired: "They are quite a model community, for they respect their queen and kill their unemployed." He repeatedly referred to the movement he had inaugurated as "a factory," for bodies and minds as well as "characters." The expression "to be a brick," still in use if somewhat archaic, originates with this fearsome injunction:

You should remember that being one fellow among many others, you are like one brick among many others in the wall of a house. If you are discontented with your place or your neighbors or if you are a rotten brick, you are no good to the wall. You are rather a danger. If the bricks get quarrelling among themselves the wall is liable to split and the whole house to fall.

Some bricks may be high up and others low down in the wall; but all must make the best of it and play in their place for the good of the whole. So it is among people; each of us has his place in the world, it is no use being discontented.

When, as a youth, I dumped the Scouts and turned away to the left, I found that there was an old labor-movement outfit called the Woodcraft Folk, which hoped to be a "progressive" surrogate for scouting. For all I know, I might have learned from it how to cure snakebite and ford streams and pitch tents without being instructed in racial and political Darwinism at the same time. Michael Rosenthal's book contains a remarkable passage about Ernest Thompson Seton, the founder

of the Woodcraft movement in America. In the closing decades of the nineteenth century Seton popularized the idea of nature-based recreation for the young, inspired by the Shawnee hero Chief Tecumseh—beau ideal for rising manhood. By 1902 he was involved in the forming of "bands" of "Seton Indians," with distinct rituals and codes of honor. In 1906, having heard of Baden-Powell, he wrote to him, enclosing a copy of his own "manual," *The Birchbark Roll of the Woodcraft Indians*. On this and other evidence—including the fury of Seton himself when he found out—there seems scant room for doubt that B-P annexed Seton's inspiration, and took the forest culture of a lesser breed for his template of imperial inculcation. And now British youths would regard as almost too moderate the Pink Floyd anthem that mockingly repudiates the entire idea of education as fitting them to be only "another brick in the wall." ■

Christopher Hitchens is a contributing editor of The Atlantic and a columnist for Vanity Fair. He is writing a biography of Thomas Jefferson for the Eminent Lives series.

NEW FICTION

IN THE DARK

BY CHRISTINA SCHWARZ

.....

Here, as in Azzopardi's dazzling debut novel, *The Hiding Place*, a narrator's subjective version of the truth wonderfully twists and shades reality. In *The Hiding Place* the narrator was limited in understanding because she was a child, which occasionally gave the reader the satisfaction of knowing more than the character. In this novel the narrator is a homeless woman both fierce and pitiful, her "grandfather's age" and, by her own unreliable admission, "not right in the head," a liar and a thief. Azzopardi has made her perfectly ambiguous: although sympathetic, she sometimes takes us for a ride. From childhood she



REMEMBER ME
by Trezza
Azzopardi
Grove Press

slips insecurely—her name keeps changing, as do her caretakers and even one of her physical features—along the fringe of a harsh world in which the weak must fend for themselves and selfishness nearly always swamps love. Azzopardi skillfully sets up and reveals secrets, though the plot staggers under a few too many coincidences, and the miraculously consistent voice she achieved in *The Hiding Place* sometimes wavers here, as if she is occasionally pulling back to make sure readers know what's what. But we're better off when Azzopardi keeps us in the dark. There she creates images so vivid that they leave their silhouettes behind her readers' eyes, and the ugliness of the world becomes gorgeous and haunting—although no less horrifying—in her rendering. ■



Sarge

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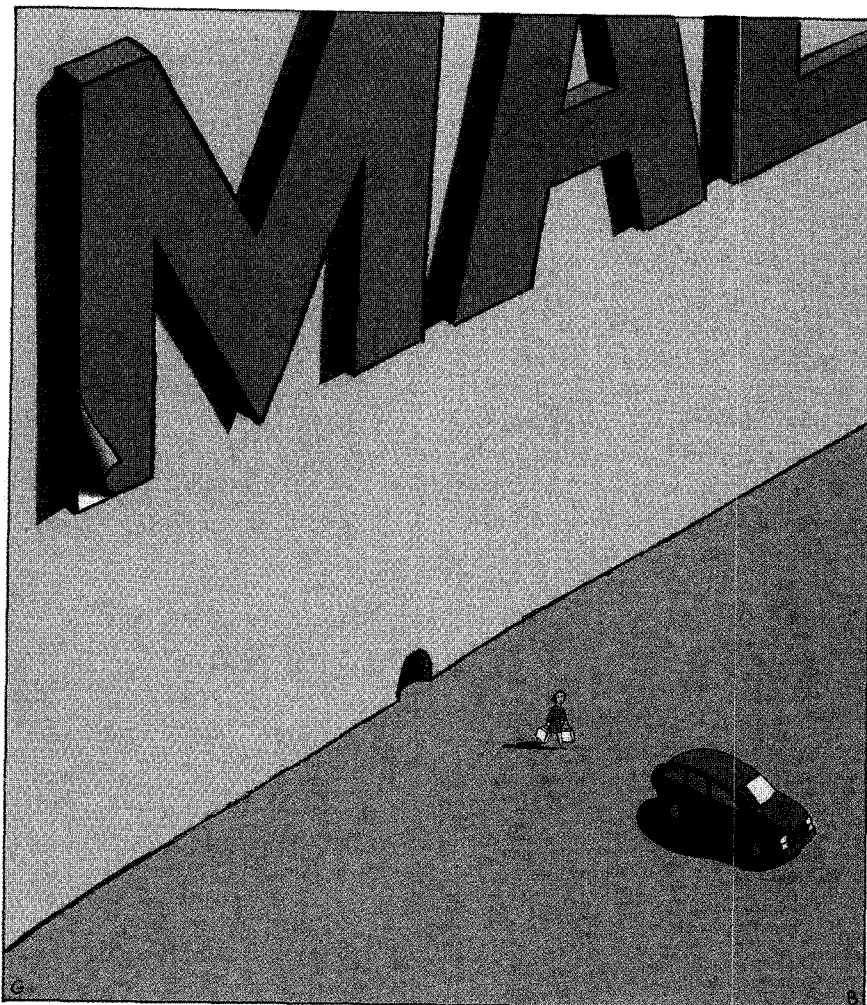
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BOOKS

SHOPWORN

*Like the Valley Girls who made it famous,
the suburban mall is now on the wrong side of forty*

BY SANDRA TSING LOH

.....

Increasingly, cities are becoming the province of the rich, the childless, or the poor. I love cities. But America hasn't lived there for a long time ... If you really want to observe entire middle-class multigenerational American families, you have to go to the mall."

But, we might ask the self-described Envirosell "research wonk" Paco Underhill, whose above contention appears in *Call of the Mall*, do we really want to? Underhill's most recent foray into the rich, potpourri-and-candle-scented field of retail anthropology (his first was *Why We Buy: The Science of Shopping*, published in 1999) addresses such tough questions as Are we really inter-

ested in spending an entire book inside the mall? Why is mall architecture so ugly? and Exactly what is an Aqua Massage? Underhill's answers turn out to be fascinating (mostly), and when they aren't, they're boring in a sort of exquisitely bleak, existential way, just like the mall.

CALL OF THE MALL

by Paco Underhill
Simon & Schuster

For those who argue that sometimes a Cinnabon is just a Cinnabon, Underhill opens his mall jaunt by invoking the spirit of the French historian Daniel Roche, author of *A History of Everyday Things* (2000). "It's not as though studying people as they congregate to buy and sell things is a totally frivolous or small-minded endeavor," he writes.

Consider the history of our species, a fair swath of which has been propelled by merchants or their emissaries traveling to the far reaches of the planet, sometimes at great risk, in order to bring back stuff to peddle to the rest of us. As any schoolchild can testify, the romance of the ancient world teems with spice routes and trade winds and trafficking in silks and precious metals, frankincense and myrrh, gunpowder and fur.

For Underhill, the history of retail is a grand adventure that entered a new phase in the glittering emporiums of America's burgeoning cities.

The merchant princes were nineteenth century men, driven by ambition and muscle and determination to succeed in the brick-and-mortar vocabulary of the era. Their stores were their alter egos, and these titans of retailing all had serious edifice complexes. The great department stores of the day bore their owners' names—Cimbel, Macy, Wanamaker, Neiman Marcus, Marshall Field.

At first blush it would appear that the suburban car culture's rise triggered just another exciting phase in the journey. After all, since its inception, in Edina, Minnesota, in 1956, the mall has in many ways proved a wonderfully successful retail invention. In the boom years of the 1970s and 1980s a new mall opened somewhere in the United States every three or four days. Studies suggest that 30 percent of adults living in a county with the kind of mall that Underhill describes in his book will have visited it at least once in a given three months. Malls currently account for 14 percent of all U.S. retailing (excluding cars and gasoline): about \$308 billion in annual sales.

More telling than those mere facts and numbers is how the mall has gotten into the very gut, the very psyche, of the American family. What is a family, after all, but a collection of not quite independent, somewhat less than completely ambulatory people? And what safer harbor for families than a big, beige, temperature-controlled box? It's not just the mall-rat teens, marooned at the octoplex on Friday nights because they cannot drive. It's the packs of seniors who began exercise programs of "mall walking" on the advice of doctors who didn't want them to slip in snow and ice. It's the mothers looking to

GUY BILLOUT

kill time with very small children (because mall customers literally shop slower than their urban counterparts, and are more patient in line, pushing a couple of tots in a stroller to get a new spatula at Lechter's can fill an entire cloud-free afternoon).

The problem, Underhill argues, is that there's rot in the mall's very DNA. Mall owners, far from being merchants who want to creatively engage our acquisitive urges, are simply real-estate developers trying to maximize every rental dollar, mostly by minimizing their overhead. Which is not a good thing. To begin with, the resulting architecture is a horror ("A big wall with a little mouse hole" is the way one top mall designer describes it). And now these blank, lifeless exteriors are gradually decaying, with an almost Michael Jackson-like weirdness. For instance,

Mall of America, the biggest in the United States and the most potent tourist attraction in all of Minnesota, may have looked good on the drawing board. But it has aged badly since it opened in August 1992. You can see stains on the outside of the building, and grass has begun to poke through the asphalt of the parking lots. It is huge and unsightly. You can't imagine Disney World or the Statue of Liberty being allowed to decay this way. Yet this mall has more visitors than Disney World, Graceland, and the Grand Canyon combined.

And further,

Next time you're at a mall, instead of going directly inside, stroll around the perimeter of the place. It will be one of the more joyless promenades you'll ever make. You'll be very alone out there, on a narrow strip of sidewalk, assuming it has a sidewalk—many malls don't—with maybe a security guard or two to keep you company ... There will almost certainly be shrubbery, neatly clipped, but it's greenery of the most generic kind. Nobody thought you'd ever look too closely at it. Its only job is to be green.

And that disorientation, that disconnect in form and space, reaches to the inside of the mall—which Underhill describes as being, like television, a "totally fake environment that attempts to pass itself off as a true reflection of who we are and what we want." There's a video arcade, a rock-climbing wall, a

food court, and "a Cinnabon stand, four cookie stands, three pretzel stands, three ice-cream stands, and no place wheresoever to buy an apple." It's a pastel-hued town—or, at least, "town-like"—square that actually resists true civic discourse. (Many states have had to legislate out certain kinds of retail-unfriendly free-speech activity: irritants over the years have included political candidates, Klansmen, and anti-war activists distributing leaflets.) Underhill labors to suggest a connection between malls and racism, because so few of them are near public transportation.

But for this reader, *Call of the Mall's* unique contribution to the field—if not exactly its pleasure—is less the sociological analysis than the shock of personal recognition Underhill provokes as he lasers in on some unexamined moments in modern life. Only a retail specialist could be so attuned to the human condition in all its shabby, formless boredom. Underhill, again in the spirit of Roche, relentlessly tracks the violent shifts in our emotional landscape as we look for parking and find somewhat better (nearer to the Sears end) or somewhat worse (nearer to the Bloomingdale's) than we had expected. Once inside, he rails,

Do all mall maps stink? In our studies of people in shopping centers, we've timed how long they spend staring at those big, lighted board mall directories. In one study the average was twenty-two seconds. That's a *very* long time to study a map ... The directories in most malls look like they were designed for electricians—like wiring guides.

Only Underhill would take time to observe,

To the extent that muggings do occur in malls, they may take place in rest rooms, which are usually hidden down some lonesome corridor away from the main thoroughfare. In fact, that's the best way to find the bathroom in an unfamiliar mall—look around for the least inviting hallway, the narrow one where the lighting is dimmest.

See? Here's just such a passage radiating off the promenade. It's gloomy and unwelcoming—if the mall were an urban setting, this would be an alley. Come on, let's go inside.

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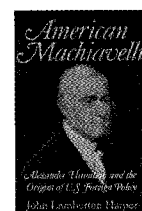
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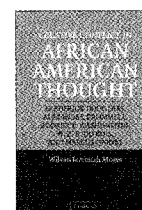
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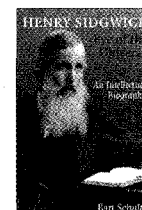
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And finally,

There's something Fellini-esque about a department store cosmetics section. You stand here on a Saturday morning, dressed in the standard mall-casual suburban wardrobe, gazing at a chamber glittering with chandeliers, populated by saleswomen wearing makeup and hair dramatic enough for opening night at La Scala. Their faces are like masks of pale, poreless skin, ruby-red lips, smoldering eye treatments—positively kabuki-like ... The purchase of cosmetics is as public as a private art form gets. It isn't quite a massage, but it is an intimate act between two consenting adults.

It's here that perhaps the most telling bit of retail absurdity lies. Up above the cosmetics counter, Underhill points out, you'll typically find a gigantic image of Elizabeth Hurley, from an ad you saw in *Vanity Fair*, now blown up and ringed with glowing spotlights. Down below, the rest of the female species shuffles around,

a stained, aging mall with bleak, gloomy bathrooms and horrible parking.

To say that Underhill is our bard of the suburbs is not to say that The City—or, at least, its image—is absent from *Call of the Mall*. Indeed, mall landscapes obliquely reflect and refract what seem to be fleeting, romantic, impossibly distant group memories of The City. Witness the pet store, a little area set aside for the rude life forms—and their droppings—that are only too familiar to urban shoppers but otherwise completely absent from the mall. And while teens toss a Frisbee in a lifelike play environment way up on the top floor, one girl yearningly muses: "I don't know if you've ever been to Washington Square in New York ... but it's this park, and they have these tables with like built-in checkerboards on top?"

Then there's the Tiffany store window, tiny and boxlike, which displays

What is a family, after all, but a collection of not quite independent, somewhat less than completely ambulatory people? And what safer harbor for families than a big, beige, temperature-controlled box?

barely able to find a decent mirror in decent light to try out the lipstick.

Underhill quotes a fellow retail expert:

"The companies don't design these departments to make the shopper the star. To them, the star of this counter is the supermodel or the celebrity who's in the ad campaign. After all, they paid her a ton of money—she *must* be the star. After her, the secondary star is the lady who is selling the product. Then, in last place, comes the customer. It's totally wrong."

Ah, the eternal gap between Madison Avenue and, if not Minnesota exactly, the Minnesota that lurks within our souls. Speaking of the Gap, I myself remain haunted by that television commercial several years ago of Gap swing dancers. That was the Gap promise, in thirty seconds: just pull on these magic khaki pants and you'll know freedom from all life's cares—your spirit will be buoyant, gravity-defying, fairy-light! Consider the actual Gap experience: wrestling with too-tight pants in a too-tight dressing room in the middle of a three-hour trip to

just one thing: a beautiful black-and-white photo of a rainy Central Park-like landscape, a miniature diorama capturing part of our—or at least someone's—past life. Underhill says, "It sells the romance of Central Park in the rain, and being very near to Tiffany, to people who are walking around a mall." ("Hey," his shopping companion adds, "there's a smudge on the window.")

And of the mall's future?

Today, when most American malls are over twenty years old, the question of what to do about aging centers will soon be upon us. If the buildings themselves had any intrinsic value, we'd be more likely to restore or salvage ones that need it. We restore and repurpose many public structures, such as former post offices, hotels, libraries, even churches. But most malls are too ugly and banal to warrant such effort. They've been designed to be serviceable, nothing more, and once they no longer can serve they'll have to be razed, and replaced with ... I don't know. Maybe something even worse.

I think of ghosts of retail past and retail future in my own Los Angeles. I think of how our Sherman Oaks Galleria—that's right, the very Galleria made famous in "Valley Girl"—is no more. This makes me remember my own teen life, in the 1970s, in southern California. I can still feel the exciting pulse of nascent adulthood as I and my best friend, Mary Robertson, whizzed along the freeways in her tiny new Chevy Chevette. I can still envision each green-and-white exit sign, each raggedy palm tree, the malls sprawling just beyond like big pink hatboxes of promise. As with Barbie play makeup, the mall offered a vision of glamorous, cosmopolitan adulthood, an adulthood that now lay much nearer at hand. Instead of a real Sin City, Mary and I had impulsive and daring visits to the Cheesecake Factory, where the whole sensual world lay before us in over-twenty-one flavors: Amaretto, Grand Marnier, piña colada.

Today my southern-California retail world is a grid of Target (the standard), Tarjhay (uptown, lattes), and, of course, Targhetto (of the tattered parking lot, where you find yourself thinking, *So this is where gang members buy their Tupperware, the better to neatly organize their important gang items*). It's a colorful mélange of strip malls that advertise dry-cleaning in five different languages, and almost always feature a "USA #1 DONUTS." I think of my sixty-two-year-old Manchurian stepmother's first trip to the Van Nuys Costco—how her eyes widened in alarm, and excitement, at the sight of a fifty-foot tower of Bounty paper towels, how her white tennies flashed and pattered as she ran. Never mind Christopher Columbus and his precious spices; when it comes to retail excitement, Alice truly was beholding a brave new world. ■

Sandra Tsing Loh is a writer and performer whose radio commentaries appear regularly on Public Radio International's Marketplace. This month she also joins KPCC-FM, in Pasadena, California.

Recent books by *Atlantic* authors:

Sarge: The Life and Times of Sargent Shriver, by Scott Stossel. Smithsonian. A portion of this book first appeared as "Knifed," in the May *Atlantic*. Stossel is a senior editor at the magazine.

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WHAT'S FOR DINNER?

Convenience foods have been doing battle with old-fashioned cooking for half a century. Which side is winning?

BY ANN HODGMAN

.....

My nephew once came back from a neighbor's house all excited about the beef stroganoff he'd had for dinner. Since he tends not to like new foods, his mother asked the neighbor for the recipe. When she made and served the dish, my nephew blurted out, "This is horrible! It's *nothing* like what I had at their house." His mother called the neighbor to see if she'd made a mistake—at which point the neighbor admitted that what the family had actually eaten was Hamburger Helper beef stroganoff. She had been too embarrassed to confess the truth the first time around.

Let me cheer that neighbor up by admitting that I, too, keep Hamburger Helper in the house. I *like* Hamburger Helper. I also hate myself for liking it. It's the same with all the convenience foods I buy. Nothing is more embarrassing in the checkout line than a neon-red bag of Ore-Ida Tater Tots or a family-size box of Stouffer's lasagna. I tell myself I can hardly be the only person buying this stuff. Look at the Ore-Ida products alone—that freezer's as big as a barn! But deep down I know I'm the worst mom on earth. I'm lining the pockets of Industrial Food and poisoning my family ... *all because I'm serving them something they like.*

The ambivalent relationship between Americans and what they eat is one of the main themes of Laura Shapiro's *Something From the Oven*. How did we travel from the fresh, wholesome food our forefathers ate—if that *is* what they ate—to the endless array of processed crap we eat nowadays? How did housewives feel about themselves when they abandoned their fifty-pound bags of flour in favor of cake mixes? What drove the changes—the food industry's pushiness, advertisers' wiliness, or consumers' eagerness to wolf down trainloads of salt, sugar, and preservatives?

SOMETHING FROM THE OVEN: REINVENTING DINNER IN 1950S AMERICA

by Laura Shapiro
Viking

Shapiro began this saga in an earlier book, *Perfection Salad* (1986)—a charmingly idiosyncratic look at the way home cooking changed in this country during the early part of the twentieth century. *Perfection Salad* covered the horrors wreaked on middle-class food when nutritionists, home economists, and other "domestic scientists" got hold of it and turned everything into Jell-O salad and white sauce. *Something From the Oven* picks up the story after World War II, when standardized food was already entrenched in America. (Shapiro considers the 1950s to be the period from the late 1940s to the mid-1960s.)



As Shapiro tells it, the post-World War II food industry, bursting with tricks it had learned for feeding soldiers overseas, was eager to train Americans "to develop a lasting taste for meals that were a lot like food rations"—dried, reconstituted, indestructible. The offerings included dried wines, a potato snack called Tatonuts that was touted as having "strong resistance to weather conditions," canned hamburgers, and—I swear—frozen concentrated mineral

water. Meanwhile, magazine and newspaper publishers did all they could to persuade the American housewife that she had no time to cook.

"When the food manufacturers moved into the kitchen, the housewife was waiting with outstretched arms," a 1952 *Business Week* story claimed, and a year later *Fortune* reported, "The loathing with which American women seem to regard prolonged labor in the kitchen has been often noted and much interpreted." But only by magazine editors, it seems. Actual women obstinately refused to loathe cooking. "It was true that by the '50s the staple products Americans ate all the time had undergone some degree of processing and packaging before women bought them," Shapiro writes.

But when it came to partially prepared foods, the ones that needed only to be heated or mixed with water, the real picture was very different. Far from standing in the door with outstretched arms welcoming the new foods, housewives tended to be deeply suspicious of them, as the frozen food industry kept discovering.

American housewives might use convenience foods to save time—Shapiro cites (a few too many) independent researchers and sociologists who all observed the same thing—but they didn't respect themselves in the morning. Still, the food industry kept trying to force-feed its public. Nabisco claimed that saltines spread with cottage cheese and strawberries made an easy dessert; the Quaker Oats Company suggested topping its oatmeal with broken-up candy bars; companies that made fruit cocktail suggested using it in coleslaw.

I don't know anyone who ever put candy bars on oatmeal, although my Aunt Gail put Sugar Smacks into *her* coleslaw, and breaded her chicken with cookie crumbs. But if all the housewives except Aunt Gail were rejecting these new ideas, how did the ideas take over? If they *did*, that is? Shapiro suggests that part of the trick had to do with "glamorizing"—using, say, a teaspoon

WILLIAM GOTTLIEB/CORBIS

of cognac and a pinch of garlic powder to add an ineffable French flair to a can of Dinty Moore beef stew. Other glamorizing ingredients included pineapple, A-1 sauce, and curry powder—which, I must confess, still seems fancy to me.

Much of Shapiro's book has a one-step-forward-two-steps-back quality; this is most apparent in a chapter on Poppy Cannon. The queen of 1950s glamorizing, Cannon was a magazine editor and the author of eight cookbooks, the most famous of which was *The Can-Opener Cookbook*. Her creed was that "a flurry of fresh coconut," "a drift of caraway seeds," or a slug of sherry could turn any premade food into a gourmet extravaganza. The following passage from a *Mademoiselle* article captures her sensibility:

Fair reader, sometime or other you have to eat. Granted you haven't the time or the space or even the mood to dream up an angel cake. Nevertheless, you can serve food—good food, too—exciting, interesting victuals. A smooth cocktail party, a buffet supper, an evening snack, intimate little dinners for two ... It's all out of tins—but with verve, my dear, with dash.

In many ways Poppy Cannon is this book's cornerstone. She might have been created to embody the conflict between quality-first and convenience-first cooking. James Beard couldn't stand her work, and it's easy to see why. Cannon was fond of recipes for things like "Hungarian salami goulash" (canned sweet-and-sour cabbage with salami and canned potatoes) and lemon Jell-O hearts floating on a "small golden sea of soft Royal Custard sauce." Yet for many years she and Alice B. Toklas—who had an unwavering allegiance to French cuisine—were friendly. (Cannon sent Toklas a Waring blender in 1954. Toklas wrote her friend that the blender, which she used constantly, was "a perfect center-piece for the Tuscan Renaissance table," adding, "How can I ever thank you enough for its magic, its beauty.")

Cannon loved crappy convenience foods, but she loved fresh ingredients even more; she couldn't stop cooking with convenience foods, but she traveled through Europe writing about only

the finest gustatory experiences. Perhaps because of this back-and-forthing, it's hard for Shapiro to show to what extent Cannon really influenced her era. *The Can-Opener Cookbook* outsold Cannon's more respectable books. Does this fact prove that she inspired Americans to open cans?

Similar questions keep popping up. *Perfection Salad* could make a clear argument because it described a clear before-and-after situation. The standardization and mass production of American food really did begin at the turn of the century. *Something From the Oven* is vaguer and more diffuse. For every trend Shapiro writes about, there was a countertrend. Housewives in the 1950s embraced frozen fish sticks but were ashamed of themselves for buying TV dinners. (They flatly turned down frozen whale steaks, even though these were "Papal approved" for Fridays and Lent.) The Pillsbury Bake-Off brought in 700,000 new customers for plain old flour, but housewives fell on cake mixes with cries of joy. And then cake-mix sales began to dip ...

Walk through any supermarket today, and you can make the case that convenience foods have demolished honest, old-fashioned cooking. You can also make the case that old-fashioned cooking has triumphed. Judging from the produce and flour sections alone, American home cooking is more diverse and more interesting than it has ever been. As *Something From the Oven* progresses, one begins uneasily to feel that Shapiro isn't sure just what case she wants to make.

Shapiro clearly aimed to write a scholarly analysis of a time when women's roles and their ambivalence toward domesticity were just beginning their seesaw route toward the present day. And she has written a solid, admirably researched study. Still, I can't help thinking that her book would have been a lot more engaging if she'd left the library and visited a few of those women in their kitchens—if she had given us *their* take on what was on the table. ▀

Ann Hodgman is the author of three cookbooks and of I Saw Mommy Kicking Santa Claus, to be published this fall.

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MUSIC

A REAL GONE GUY

Even though the saxophonist and composer Wayne Shorter never went away, his two recent albums are being hailed as a major comeback

BY FRANCIS DAVIS

.....

The cover of *Footprints Live!*—a 2002 CD that was the enigmatic saxophonist and composer Wayne Shorter's first release since an album of duets with the pianist Herbie Hancock, five years earlier—showed a man holding a compass to the horizon. The pose was in keeping with the popular image of Shorter, going back to the more than five years he spent with Miles Davis, beginning in 1964, when he set a direction for Davis's quintet with his sinuous tenor solos and compositions. The only way we could be certain that the figure in the photograph was Shorter was if we recognized the piercing eye reflected in the open lid of the compass from the moody photographs on the jackets of the classic Blue Note albums he recorded in the 1960s. Though Shorter and Verve, his label, probably intended no such thing, that cover represented his career since leaving Davis. At least two generations of musicians have followed where that band led. Shorter was the most emulated saxophonist in jazz, and arguably the most influential composer, from the early 1970s straight through the 1990s—but you wouldn't know it from his spotty output over those thirty years, during which his early work only loomed larger the further he strayed from it. He was everywhere, but somehow never quite *there*.

Shorter has done much of his best work as a sideman, first attracting attention during five years as the resident intellectual with Art Blakey and the Jazz Messengers before joining Davis. His pieces for the Messengers bent the rules of bebop without breaking them, and

his solos did much the same thing. Most of that era's younger tenor saxophonists followed either John Coltrane or Sonny Rollins, but Shorter set off alone on a middle path. His solos spiraled with intensity, like John Coltrane's, and Shorter often seemed to be chasing the same ecstasy. But he organized his solos more as Rollins did, bouncing one abstract idea after another off the melody at hand while leaving plenty of room for comic asides.

Jazz was in the throes of a revolution following Ornette Coleman's introduction of free form, in 1959. By inclination Shorter should have sided with the insurrectionists. But perhaps because he had too much respect for the musical conventions under fire (or too much pride in his own virtuosity, which many in the avant-garde lacked), he chose to change the system from within.

The band that ultimately determined which aspects of free jazz could be absorbed into the jazz mainstream and which could not proved to be the Miles Davis Quintet of the 1960s, with Shorter, Hancock, the bassist Ron Carter, and the drummer Tony Williams. Shorter was the last to join, but he made his presence felt immediately, bringing the rhythm section's suspended chords and displaced rhythms into focus.

Membership in Davis's band was a ticket to stardom in the 1960s. But instead of forming his own group after leaving Davis (as Hancock and Williams did, following the example of Coltrane, Bill Evans, Cannonball Adderley, and so many others), Shorter started Weather Report with the keyboard player Joe

Zawinul and became a virtual sideman as Zawinul converted the supposedly leaderless jazz-rock fusion ensemble into a vehicle for his electronic gadgetry. Critics were forever accusing Zawinul of handcuffing Shorter, but this hardly seemed fair: Shorter kept himself equally restrained on the infrequent albums of his own that he released during his fifteen years with Weather Report and for more than a decade afterward, which tended to be as awash in synthesizers and trite funk rhythms as anything by Zawinul.

Plenty of musicians from the bebop era—the era before Shorter's—squandered their early promise by becoming enslaved to heroin. For many in Shorter's generation the road to artistic ruin was cult religion or fusion. Miles Davis is usually the one credited with (or blamed for) making it fashionable for jazz musicians to riff over rock or funk rhythms; some critics speak of him as if he were the Great Satan who led everyone else astray. But part of what made Davis a great bandleader was his receptivity to the ideas of his sidemen. Shorter, for one, persisted in surrounding himself with the trappings of fusion long after the genre had proved itself no good for anything but timid mind trips and the occasional novelty hit.

Fusion wasn't really the issue. When I spoke by telephone with Shorter at his home in Florida last year, he was still smarting from a lukewarm *Down Beat* review of *Alegría*, a Spanish-tinged orchestral album that he released last spring as a follow-up to *Footprints Live!* He said that too many jazz critics (and maybe too many jazz listeners, as well) were deaf to musical texture and tone color—elements that he prizes but that they find a hindrance to what they consider the real stuff of jazz: solo blowing. Such listeners were always "waiting for

Innocent Bystander will return next month.

it to happen"—"vroom! ... here comes the damn saxophone solo," he complained. I agree, but hearing Shorter talk, I was reminded of another *Down Beat* review, one from 1972 that seemed perceptive then and became sadly prophetic as the years went by. Protesting Shorter's growing "devotion to sonic color, virtually at the expense of any other kind of energy and invention," the critic Larry Kart attributed this to his "seeming desire to renounce the notion of the improvising musician as the purveyor of a competitive, flamboyant ego."

A noble impulse at first thought, but one that cannot be achieved, I think, by the amplification of simplicities and restraints that amount to little more than a toning-down of invention. What

I hear on this album is a musician trying to disappear. I wish he wouldn't.

Kart was reviewing Shorter's *Odyssey of Iska*, but he might as well have been discussing "Nefertiti," the title track of a celebrated 1968 Miles Davis album on which Davis and Shorter, who wrote the song, merely repeated the theme ad infinitum without taking solos (and without much variation), while the rhythm section moved around freely—a beautiful, hypnotic performance, but one that forecast a problematic direction for Shorter.

In 1978 Weather Report released an album called *Mr. Gone*, named for a Zawinul composition with a synthesized bass line that called to mind a shadowy figure entering and leaving a room before anyone knew he was there. Shorter

was barely audible, on this number or much of the rest of the album, and many listeners believed that the title referred to his diminished role in the group. Zawinul has always denied this, but "Mr. Gone" became Shorter's (unwanted) nickname. It also fit him in a more flattering way: "gone" was a bebop-era superlative meaning "out of this world," and jive talk of that sort never really goes out of fashion in jazz. ("I have found the gonest little girl in the world," Jack Kerouac wrote in *On the Road*, and Nellie Lutcher had a hit in 1947 with a song called "He's a Real Gone Guy.")

Shorter's music was out of this world, and by reputation so was he. When I spoke with Shorter, he gave me an example of the sort of behavior that may have encouraged the expression "weird as Wayne" among his boyhood friends in Newark, including the poet Amiri Baraka. He recalled that when he and his late brother, the flugelhornist Alan Shorter, were kids playing bebop tunes by ear, they would sit facing a chair with an opened newspaper propped up on it to fool anyone who came to hear them into thinking they were reading from sheet music. Calling themselves "Mr. Weird" and "Doc Strange," the brothers wore sunglasses in darkened clubs, and galoshes even in the summertime. "And we had wrinkled clothes, because we thought you played bebop better with wrinkled clothes," Shorter told me, laughing at the memory. "You had to be raggedy to be for real."

Shorter's first working band is the quartet he played with on a tour of Europe in 2001, featuring Danilo Pérez on piano, John Patitucci on bass, and Brian Blade on drums. *Footprints Live!*, which resulted from that tour, was released to delirious reviews, and why not? His first album with an all-acoustic rhythm section since his Blue Note LPs, it was exactly the sort of album he should have been making all along, starting around 1970. Yet there was nothing anachronistic about it. Shorter's work from the 1960s continues to pervade jazz today, and his sidemen, all of whom are in their thirties or forties, are from a generation of musicians who came of age playing his tunes and attempting to penetrate their secrets.

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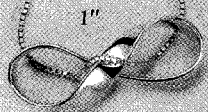
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His comeback has been the hottest topic of conversation in jazz these past two years, only it isn't really a comeback—it's more like a stunning return to form at a relatively advanced age (Shorter turned seventy last August). And he was never really gone. Even during the late 1970s, when his productivity as a composer sharply decreased while he helped care for a young daughter with irreparable brain damage, he continued to record and tour with Weather Report, at least going through the motions.

"Something else became Number One in my life ... and all of music took second place," he later told an interviewer for an Eastern European jazz magazine. He wasn't referring only to his daughter, who died from a brain seizure in 1985, at the age of fourteen. Shorter has been visited by more than one man's share of tragedy. His second wife and a niece were among the 230 passengers who lost their lives when TWA Flight 800, bound for Paris, exploded in midair just after takeoff from Kennedy Airport in 1996. But he remarried, and as a longtime practicing Nichiren Buddhist who meditates several times daily and chants, he would be the first to observe that life goes on. When we talked, I asked him if seeing the events of September 11 had reawakened painful memories. "Oh, yeah," he said, "but the eternal life of a person is what you have to embrace."

Shorter is one of very few living jazz composers whose numbers are regularly played by other musicians. A pianist friend of mine who supplements his meager income from jazz by playing weddings and bar mitzvahs once told me that what makes those jobs bearable is that "sooner or later during the cocktail hour someone—usually the father of the bride or groom or of the bar mitzvah boy—will recognize a little bit of jazz in what I'm playing and walk over and ask if I know anything by Wayne Shorter." A dozen or so of Shorter's tunes, including "Footprints," "Speak No Evil," and "Infant Eyes," have taken their place alongside works by Ellington and Monk in the standard jazz repertoire. His compositions don't just serve as springboards for improvisation; they closely resemble it. His phrases often take off from those

of other soloists. The trumpeter Wallace Roney, who has played with Shorter and studied his music closely, recently pointed out to me that several Shorter songs come directly from Coltrane's. "They're two parts Coltrane, one part Lee Konitz, and 100 percent Wayne," Roney said, naming an alto saxophonist whose cerebral style might seem the antithesis of Coltrane's rawer, more emotionally exposed approach. "And it's a sign of Wayne's originality that he would even think to combine them."

Footprints Live! was thrilling because it offered a generous display of Shorter's improvisational prowess at a point when hope seemed lost of ever again hearing him at such length. My favorite of the CD's eight performances is "Go," a piece he first recorded in 1967. The title isn't, I think, an exhortation or a reference to the Japanese game but something said in sorrow and exasperation to a lover who's already halfway out the door. It takes a few hearings to figure out that the song is a ballad, not just because the melody snakes so much and Brian Blade's drumming implies a faster tempo: the many abrupt variations in pitch make Shorter sound agitated. It also takes a few hearings to realize that Shorter is doing little more than embellishing the melody, because he packs so much variety and invention into his embellishments.

Shorter guided his quartet through an extended and even moodier version of "Go" at Carnegie Hall last summer, during the JVC Jazz Festival. What he played was compelling, but he often seemed to be holding back—waiting to hear if his rhythm section got into anything exciting, and then deciding if he had anything worth adding. There would be a wave of anticipatory applause whenever the tune moved into a faster tempo. I could almost hear half the audience thinking *Vroom!* ... *here comes the damn saxophone solo*, and feel the disappointment when it didn't—at least not the breast-beating solo they were primed for.

Backlash usually isn't long in coming in jazz, so it was probably inevitable that the praise for *Alegria* would be less than unanimous. I was fascinated by the album, though, because with it Shorter has finally made good on the promise that

he hinted at as an arranger on an LP he recorded with Blakey in 1963 of songs from the Broadway show *Golden Boy*.

Alegría is one of a growing number of jazz albums that borrow color from Latin music without copying its rhythmic clichés (others include Don Byron's *Music for Six Musicians*, Charlie Haden's *Nocturne*, and Carla Bley's recent *Looking for America*). The complaint against it seems to be that Shorter doesn't play enough, but anyone who thinks this simply isn't listening carefully. Joni Mitchell, many of whose albums Shorter has made cameo appearances on, once said she liked hearing Shorter "crawl" all over her music. This is a good description of what he does on *Alegría*, especially during those passages in which he uses overdubbing to play duets with himself or to switch without pause from tenor saxophone to soprano. Inspired by Coltrane, saxophonists these days routinely use a technique called multiphonics, which involves trick fingering and overblowing, to create the illusion of playing more than one note at a time. Shorter is one of very few who use the technique for more than shock value. On "Orbits" he overblows *softly*, and the effect is striking. A dramatic entrance, something he has always specialized in, lets him put his stamp on the one piece he didn't arrange: the conductor Robert Sadin's adaptation of the opening "Aria" movement of Hector Villa-Lobos's *Bachianas Brasileiras No. 5*. The cellist Charles Curtis renders Villa-Lobos's theme beautifully, with a cello ensemble behind him, but the performance becomes breathtaking when Shorter edges in sideways and begins spinning a series of elegant variations on the theme, itself a series of variations on Bach. The only thing at all comparable to *Alegría* that I've heard recently is the lilting flamenco dance piece at the end of Pedro Almodóvar's *Talk to Her*, written and performed by the Cape Verdean singer and guitarist Bau. Almodóvar's movie is about death, but that closing dance has the twitch of life. So does *Alegría*.

Listening to—and talking with—Shorter is an adventure. He surprised me by asking if I'd ever written a novel. A science-fiction buff, he named Michael

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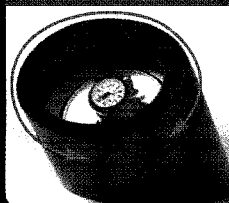
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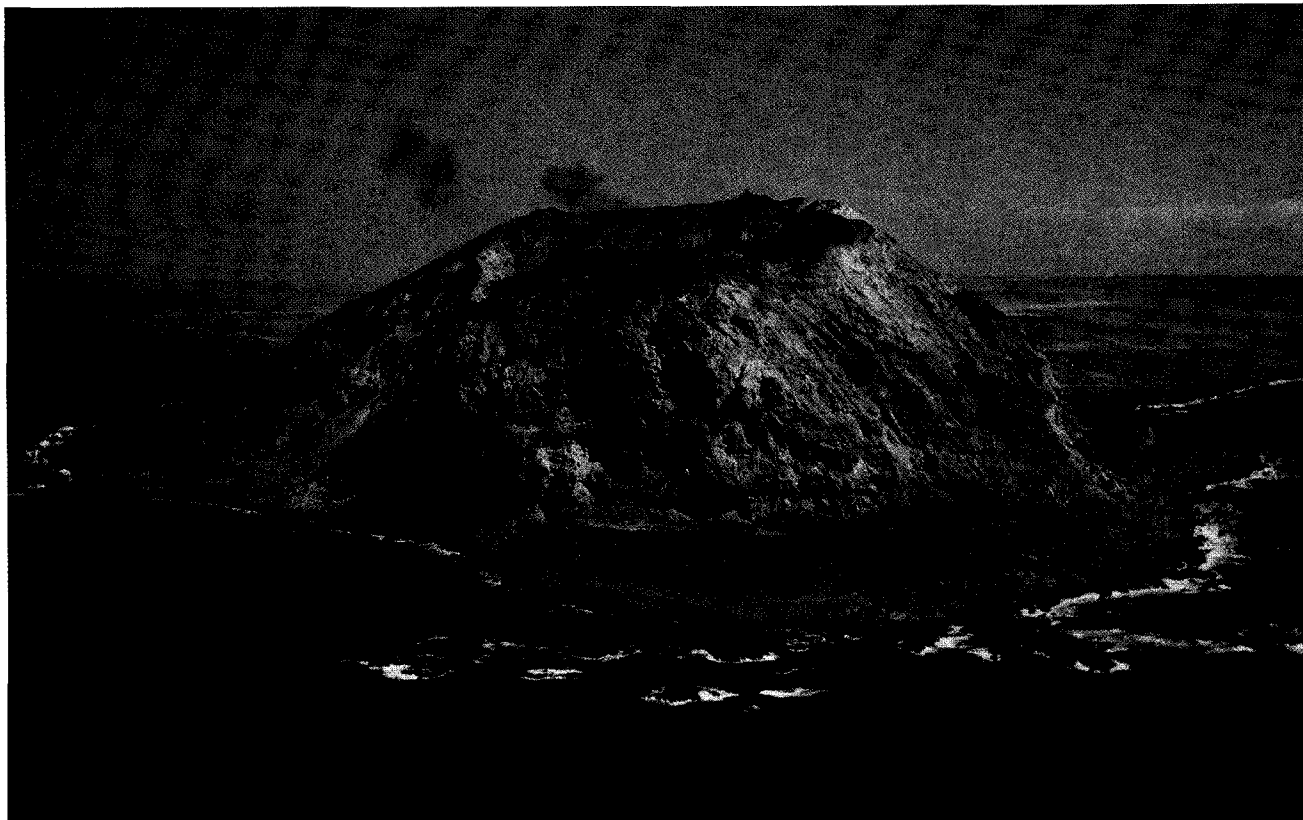
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Crichton and Frank Herbert, the author of *Dune*, as examples of writers who had exposed themselves to the same risk musicians like him face in making recordings—the risk of having their work scrutinized and found wanting. “This other stuff—journalism, critiquing—is kind of skip-to-my-lou,” he said. “There’s a little bit of a vampire thing going on there. Wait for the stagecoach to come, then ambush it.” Switching metaphors as he went, he urged me, “Put on the astronaut suit and come on out there with us.” Or maybe he was switching genres, because we’d talked as much about movies as about music to that point. This was a deliberate strategy on my part. I’d read numerous articles on Shorter in which he complained that interviewers always wanted to question him about music, never about life, which for him means “the incomprehensible mystery of it all.” Asking him about movies seemed a good compromise, since, as Shorter put it, “they attempt to reflect life.” He spoke about meeting David Raksin, the composer of the score for *Laura*. “He told me how he wrote that. That music leading up to the actual song that everyone remembers, that starts ‘Laura is a face in the misty night’? It has cello going down low and a bubbling clarinet going kind of through labyrinths—man, the song is nice, but I’m telling ya, that music leading up to it is something else.” He cautioned that *Footprints Live!* and *Alegria* didn’t necessarily mean that all of his music would be acoustic from here on in. “That’s what some people want to believe,” he said. “But you can’t live without electricity, and you can’t afford to be judgmental. When I was younger, I didn’t like Charles Boyer, probably because the girls all liked him and I was jealous. Then I saw him in a movie with Alan Ladd and Deborah Kerr, where he plays a priest who gets his hand cut off by rebels.” (Shorter couldn’t remember the name of the movie; it was *Thunder in the East*, from 1952.) “Charles Boyer makes a speech and—man, I realized then and there that Charles Boyer was *baaad*. I think that’s when I grew up.” ■

Francis Davis is a contributing editor of The Atlantic. His new book, Jazz and Its Discontents, was published in March.



TRAVELS

SULFUR ISLAND

*Everyone recognizes the image of the flag-raising on Iwo Jima.
But what do you know about the place we were actually fighting for?*

BY P. J. O'ROURKE

.....

As a memorial to the astonishing war slaughter of the modern age, I propose the island of Iwo Jima—for its ugliness, its uselessness, and its remoteness from all things of concern to the post-modern era.

Iwo Jima can be visited only with military permission and, usually, only by military transport. A comfortless C-130 Hercules propeller craft flies from Okinawa over more than 700 miles of blank Pacific, moving as slowly as the planes of Iwo's battle days. The island is five miles long, running northeast from a neck of sand at the base of the Mount Suribachi volcanic cone and spreading to a width of two and a half miles in the shape of a paint spill, with Mount Suribachi (really a 550-foot hill) as the can of paint. The colors are gray, gray-green, brown, and black—the hues of camouflage. From the air Iwo Jima looks as small as it is, a reminder of the insignificance

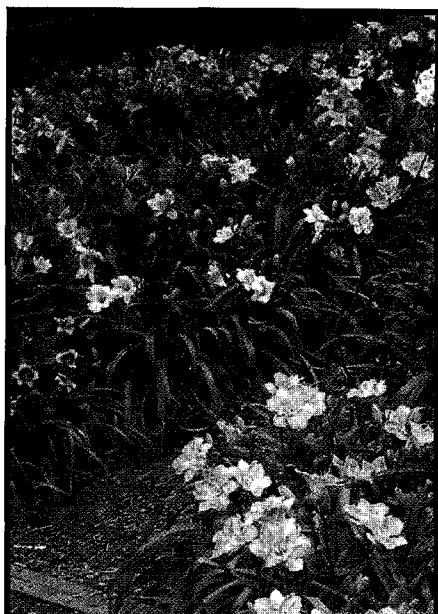
of the great tactical objectives of war. The landscape at Ypres is banal. The beaches at Normandy are not as nice as those in East Hampton. From the top of Cemetery Ridge, at Gettysburg, the prospect is less awe-inspiring than the view from many interstate rest stops. And Iwo Jima protrudes unimpressively from an oceanic reminder of the insignificance of everything.

I went to Iwo Jima with a director and a cameraman. We were working on a one-hour cable-television documentary about the battle. From February 19 to March 26 of 1945, 6,821 Americans and about 20,000 Japanese were killed in the fight for the island. How could a one-hour anything—prayer, symphony, let alone cable-television documentary—do justice to that? The director, the cameraman, and I had worried about it the night before in an Okinawa bar. We decided that 26,821 men would have

told us to knock off the chickenshit worrying and drink.

The three of us were guests on a trip that is offered periodically to young enlisted Marines in recognition of exemplary performance and attitude. The journey is spoken of as a “morale booster.” It was July. Iwo Jima is almost on the Tropic of Cancer, parboiled by the North Equatorial Current. In the sun its rocks become charcoal-colored briquettes in a hibachi. The temperature was 100° in the daytime and 100° at night. The humidity was 100 percent. When there was wind, it was an eructation. The volcanic vents on Iwo Jima are still active. The name means “Sulfur Island” in Japanese. The visiting Marines were not allowed to smoke or swim or explore on their own. They slept on the ground. Reveille was at 5:00 A.M. They were led on hikes all day, covering the island's eight square miles. I was never in the military, but if this is what boosts morale, I want nothing to do with what causes morale to deteriorate.

However, young men and women do not join the Marines to get comfortable. And going to Iwo Jima is a way for new Marines to imbue themselves with the spirit of the Corps. The battle for the island was fought by what was



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at that time the largest force of Marines ever assembled. The casualties were shocking. More than a third of the approximately 72,000 Marines who landed on Iwo Jima were killed or wounded. The bravery, too, was shocking. Of the 353 Congressional Medals of Honor awarded during World War II, twenty-seven were given for heroism on Iwo Jima, thirteen of them posthumously.

Iwo became a byword for fighting while it was still being fought. The U.S. military had hoped the island could be taken in two weeks. The battle lasted thirty-six days. Japanese resistance was expected to be stubborn. It was ferocious. Only 1,083 of the approximately 21,000 Japanese defenders surrendered or were taken prisoner. The landing on Iwo Jima occurred as the war in Europe was ending. The Allies were on the Rhine. Warsaw had fallen. Attention turned to the Pacific theater. The Secretary of the Navy himself, James V. Forrestal, was on the beach at Iwo Jima on D-Day (as the day of the landing was called) plus four. When Secretary Forrestal saw the flag-raising on Mount Suribachi, he said, "This means a Marine Corps for the next five hundred years."

And there is that flag-raising. The Associated Press photographer Joe Rosenthal's shot is the best-known image of combat in World War II—perhaps the best-known image of combat in history. The word "icon," dull with use, can be applied precisely to the picture of the flag-raising on Mount Suribachi. Rendered in bronze at the Marine Corps War Memorial, with men thirty-two feet tall, the flag-raising is more impressive than the mountain where it happened.

To the young—very young—Marines who were looking at that mountain when I was there, the flag-raising must seem to have happened a full-Secretary-Forrestal-500 years ago. For someone born in 1984, the war between Japan and the United States feels almost as distant in time as the war between Japan and Czarist Russia does for me. During that long meander of chronology Iwo Jima acquired a slight, untoward comic tinge. There were numerous parodic representations of the monument, the photo, the pose. There were Johnny Carson's "Mount Suribachi" tag lines. There was a period

of years when every drunk of a certain age who'd ever been a Marine claimed to have fought at Iwo, my uncle Mike included. (Uncle Mike's World War II Marine Corps stint was spent in a stateside hospital with an infected toe.) John Wayne didn't fight there either, but he gave a clumsy imitation of doing so in *Sands of Iwo Jima*. When televisions became common, that movie appeared on them constantly. The photograph itself showed not the first American flag atop Suribachi but, rather, its larger replacement. It is an image of combat in which no combat is involved. One or two too many men are trying to shove an iron pipe into a pile of rocks. And the flag-raising was not a signal of victory. It happened on the fifth day of the invasion, when most of the fighting and dying were yet to come.

The young visiting Marines woke up on their first morning on Iwo Jima and hiked about four miles from their campground to the top of Suribachi. They did it so quickly that they were there for sunrise, at 5:45. They hung their dog tags at Suribachi's peak, on a bas-relief of the flag-raising mounted on a granite plinth. The monument is decorated with hundreds of dog tags, many bearing dates of birth more recent than my last dentist appointment. But if there was anything that struck the young Marines as antique or absurd about this battlefield, they didn't show it. Some of them will be sent to deal with the antique absurdities of Afghanistan and Iraq.

The director, the cameraman, and I—antiques in our forties and fifties—proceeded on our own absurd errand. Bearing camera, tripod, battery packs, tapes, and so forth, we trudged through a satire of tropical paradise. The beaches were black, not white. The sea looked like agitated dishwater. The sky was cloudless, but dull with heat haze. Palm trees did not sway, nor did bougainvillea flower in the botanically anonymous uninterrupted scrub. The weather didn't warm the blood, it broiled the bald spot and baked the feet. In place of grass shacks and tiki huts were the ruins of Japanese pillboxes and gun emplacements.

The three of us carried our stuff across the island and up Suribachi and

down. We didn't faint in the heat or get too dizzy and sick. Iwo Jima is not a place, we complained to one another, where you feel you're allowed to complain. We went out into the deep, steep-pitched, sucking sand of the D-Day landing beaches. Thirty thousand men were put ashore that morning in a space hardly adequate for a UCLA pan-Hellenic luau. Tanks, amphibious vehicles, and Marines themselves sank to immobility. On D-Day 2,420 Americans were killed or wounded.

Combat now is a less crowded affair and more dependent on sophisticated electronic equipment. We were lugging some. It didn't compare in heft to what a Marine carried on an amphibious landing. In 1945 one man's weapons, ammunition, and gear might have weighed as much as 122 pounds. Killing is not as physical as it once was. It's time for young, hopeful people to be relieved of fighting duties. War should be fought by the middle-aged men who are the ones who decide that war should be fought anyway. We don't have our whole lives in front of us. We're already staring down the barrel of heart disease and SEC investigations. Being wrenched from home, family, and job would not be that wrenching for many of us. We wouldn't need these morale-boosting trips.

The idea that we should be doing the fighting and they should be having the fun didn't seem to occur to the young Marines. They had brought pocketfuls of small zip-lock bags and were filling these with the sands of Iwo Jima.

Perhaps that movie deserves an unironic look. *Sands of Iwo Jima*, released in 1949, doesn't have much to do with the battle, although the final scenes are set on Iwo and incorporate harrowing footage shot by Marine combat cameramen. The movie's real subject is a change in America—a nationwide, 150-million-person shift in values. John Wayne, a Marine sergeant, is tough as nails. John Agar, a private in Wayne's platoon, is sensitive and has been to college. They clash. "I won't insist that [my son] be tough; instead I'll try to make him intelligent," Agar tells Wayne, who is shown to be pretty damn sensitive himself, and more intelligent than you'd think. Then Wayne gets shot, and Agar realizes that

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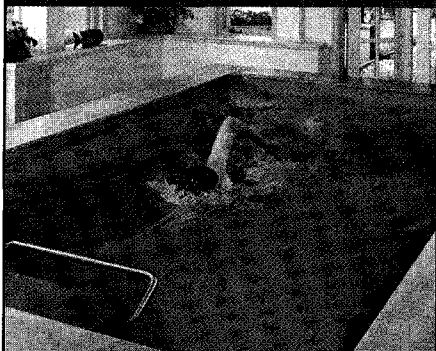
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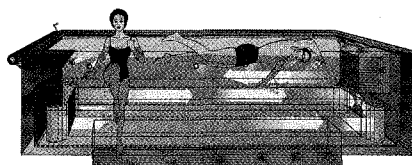
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sometimes the sensitive, intelligent thing to do is to be tough as nails. *Sands of Iwo Jima* thus traces U.S. foreign policy from Teddy Roosevelt's Big Stick through Woodrow Wilson's Fourteen Points to George W. Bush's Whatever It Turns Out to Be.

It's tempting to believe that the Japanese defenders of Iwo Jima weren't as sensitive as the Americans of today. The Japanese fought for the island mostly from underground, hiding in as many as sixteen miles of tunnels and caves. They died in there from flamethrower attacks, satchel-charge explosions, and suffocation. Many Japanese dead remain in these catacombs. Small, scary orifices of the tunnel system open all over the island. Visiting relatives have placed small altars by the holes. Offerings of cigarettes and sake sit beside incense burners. Broken and rusted weapons are arranged gracefully. It's just not possible for a sensitive American peering into the grim apertures to think that every person inside was as miserable and frightened as Bill Moyers would have been.

In fact, the Japanese military men on Iwo Jima—the officers, at least—were arguably more sensitive and intelligent than their American counterparts. The island's commander, Lieutenant General Tadamichi Kuribayashi, was an accomplished artist. He was fluent in English. He spent several years as a military attaché in the United States and Canada, writing letters home to his wife and child, the pages filled with humorous cartoons. And he openly opposed going to war with America. The head of naval forces, Rear Admiral Toshinosuke Ichimaru, wrote poetry in Japanese and classical Chinese and was known for his calligraphy. Lieutenant Colonel Takeichi Nishi was sensitive to opportunities for fun. He was a baron, of the gossip-column-boldface variety, who won a gold medal in horse-jumping in the 1932 Los Angeles Olympics. He partied in Hollywood, had affairs with actresses, and knew Spencer Tracy. All three officers fought to the death.

Across the northern fan of Iwo Jima a volcanic plateau is half eroded into disorderly hills. Mostly their names are nothing but their heights in feet:

Hill 382, Hill 362A, and so on. Every hill caused hundreds of people to die; so did every ravine between them. Any clump of rocks providing cover to the enemy was a source of death, as were all open spaces providing no cover to the Marines. About five men to an acre were killed for this island, a corpse in each subdivision house lot. On D-Day Lieutenant Colonel Charles E. Shepard Jr., the commander of the 3rd Battalion, 28th Marine Regiment, told his men that their objective was "to secure this lousy piece of real estate so we can get the hell off it." William Manchester, in his memoir of the Pacific war, *Goodbye, Darkness*, described Iwo Jima as "an ugly, smelly glob of cold lava squatting in a surly ocean."

By coincidence, just a month before, I'd been looking at other smelly globs on the far side of the same surly ocean, in the equally isolated Galápagos Islands. My fellow tourists and I oohed at the black sands, aaahed at the sulphurous volcano vents, and told one another how beautiful the sunset was behind mounts of exactly Suribachi's shape. Iwo Jima does not have the strange life forms found in the Galápagos. But what form of life could be stranger than that which was lived on Iwo Jima from February 19 to March 26, 1945? The Galápagos Islands are internationally protected, to preserve the history of biological evolution. On Iwo Jima the history of moral evolution is preserved. The litter of battle is lying where it was dropped. A seven-story Japanese fortification inside Mount Suribachi has never been re-entered.

After Iwo Jima a few more big World War II battles took place, notably in Berlin and on Okinawa. But it wasn't long before sensitive, intelligent nations evolved beyond such things—even if Hiroshima, one of those cataclysmic events common to evolutionary history, was required to spark the progress. Since then military hordes swarming in all-out attack and military masses falling in desperate defense have been rare. When they do happen, evolutionary throwbacks are involved—Kim Il Sung, Saddam Hussein, the Ayatollah Khomeini.

People have not gotten better, of course—just more sensitive and, maybe, intelligent. One of the things they are intelligent about is strategy. Iwo Jima is

approximately 660 miles from Tokyo. At the beginning of 1945 Americans had Pacific air bases that were within range of the Japanese mainland for bombers but not for fighter escorts. If the Americans could take Iwo Jima, B-29s would fly over Tokyo fully protected. If the Japanese could keep Iwo Jima, B-29s would not. Today 100,000 soldiers aren't thrown into one such small space on a map. There are so many other kinds of space to fight over—outer space, cyberspace, the space between most people's ears.

We gave Iwo Jima back to Japan in 1968. It is now, as it was in February of 1945, a Japanese military base. At sunset when I was there, the Japanese national anthem was played over loudspeakers near the Marines' campground. Every U.S. Marine turned toward the Japanese flag, stood at attention, and saluted. A Marine sergeant major of my generation, who was leading the morale-boosting trip, said under his breath, "My grandfather would be rolling over in his grave if he saw this."

Neither his grandfather nor any other American is rolling over in his grave on Iwo Jima. The American dead had been disinterred by the 1960s and returned to American soil. Their ghosts don't haunt the Iwo Jima battlefield. Nor do the ghosts of the Japanese. I don't believe in ghosts, but I'm Irish enough to be able to tell when none are around. The island is grim. Thoughts of its history are frightening. But Iwo Jima isn't spooky. I found the same opinion in James Michener's *Tales of the South Pacific*. At the end of the book the narrator visits a military cemetery. He encounters a black sailor who has volunteered for caretaker duty.

"Isn't it strange," I asked, "for colored men to like work in a cemetery?"

My guide laughed, gently and easily. "Yes! Yes! I knows jes' what yo'-all means," he said. "All dem jokes about ghos's and cullud men. But what yo'-all doan' see," he added quietly, "is dat dey ain' no ghos's up here! ... dey is only heroes."

Pardon, for the sake of the thought, Michener's insensitive language. He was a pre-postmodern man. And so was General Kuribayashi. In his last message to Imperial General Headquarters he

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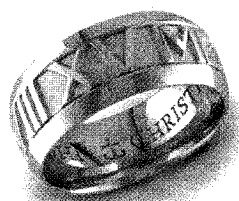


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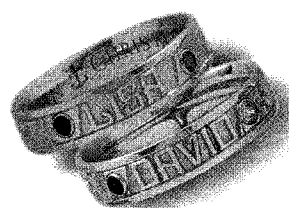
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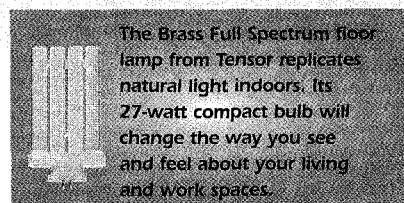
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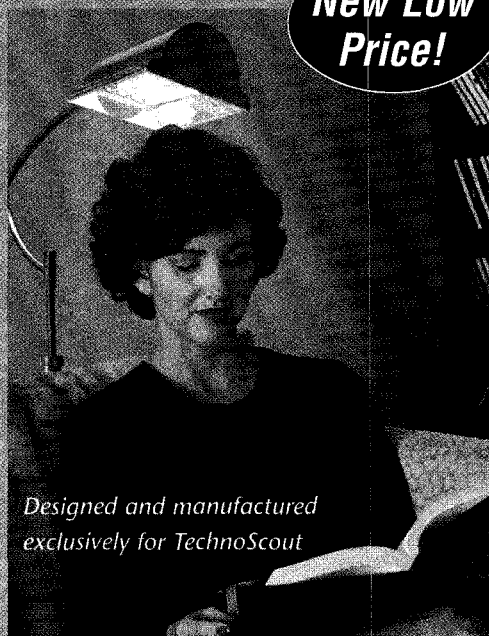
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said, "Even as a ghost, I wish to be a vanguard of future Japanese operations ..." If so, he's haunting a Toyota factory.

General Kuribayashi sent that message from a cave in a ravine at the northwest corner of Iwo Jima, an area the Americans called "Bloody Gorge." The Marines were plagued by the manifold bolt-holes, peepholes, and gunports concealed in the narrow jumble of rock and brush. I went to Kuribayashi's final redoubt with the sergeant major and a Japanese sergeant major. The sergeant majors are friends. They are authorities on the history of Iwo Jima. Together they gave lectures to the young Marines and guided the hikes around the island.

I couldn't see the entrance to Kuribayashi's cave—even though his descendants had marked it with a statue of a Shinto goddess. The sergeants, on their bellies, led me inside. Kuribayashi was a wide man, five feet nine and 200 pounds. Getting him into his headquarters must have been like getting at the wine when the corkscrew is lost. Thirty feet down, the roof, walls, and floor of the cave flared like a panic attack. We stood in a large, hot, stinking chamber with dead men's belongings all over the ground.

By mid-March, Kuribayashi had only 1,500 men. They were all in one square mile around Bloody Gorge. Tens of thousands of Marines were on the island. The American Pacific command declared Iwo Jima "secure" on March 14. Yet the fighting continued for twelve more days. In the "mopping up" on Iwo Jima, 1,071 Marines were killed. This is more Americans than have died in the conquest and occupation of Iraq, with its 168,000 square miles of territory and its army of half a million soldiers—although there's still time.

Maybe we're coming to the end of the long, dark modern age. Slaughters of unnumbered human beings continue, but not among people who knew Spencer Tracy. Warfare persists, but the scale of battle is returning to something that Hector and Ajax would recognize. Maybe each Jessica Lynch will become a legend. Maybe everybody's death will matter. ▀

P.J. O'Rourke is a correspondent for The Atlantic. His book Peace Kills, a survey of post-Cold War U.S. foreign policy, has just been published.



FICTION

UNTIL GWEN

Your father looks down at the gun in his hand. "This going to fire?"

BY DENNIS LEHANE

.....

Your father picks you up from prison in a stolen Dodge Neon, with an 8-ball of coke in the glove compartment and a hooker named Mandy in the back seat. Two minutes into the ride, the prison still hanging tilted in the rearview, Mandy tells you that she only hooks part-time. The rest of the time she does light secretarial for an independent video chain and tends bar, two Sundays a month, at the local VFW. But she feels her calling—her true calling in life—is to write.

You go, "Books?"

"Books." She snorts, half out of amusement, half to shoot a line off your fist and up her left nostril. "Screen-plays!" She shouts it at the dome light for some reason. "You know—movies."

"Tell him the one about the psycho saint guy." Your father winks at you in the rearview, like he's driving the two of you to the prom. "Go ahead. Tell him."

"Okay, okay." She turns on the seat to face you, and your knees touch, and you think of Gwen, a look she gave you

once, nothing special, just looking back at you as she stood at the front door, asking if you'd seen her keys. A forgettable moment if ever there was one, but you spent four years in prison remembering it.

"... so at his canonization," Mandy is saying, "something, like, happens? And his spirit comes *back* and goes into the body of this priest. But, like, the priest? He has a brain tumor. He doesn't know it or nothing, but *he* does, and it's fucking up his, um—"

"Brain?" you try.

"Thoughts," Mandy says. "So he gets this saint in him and that *does it*, because, like, even though the guy was a saint, his spirit has become evil, because his soul is gone. So this priest? He spends the rest of the movie trying to kill the Pope."

"Why?"

"Just listen," your father says. "It gets good."

You look out the window. A car sits empty along the shoulder. It's beige, and someone has painted gold wings on the sides, fanning out from the front

bumper and across the doors. A sign is affixed to the roof with some words on it, but you've passed it by the time you think to wonder what it says.

"See, there's this secret group that works for the Vatican? They're like a, like a ..."

"A hit squad," your father says.

"Exactly," Mandy says, and presses her finger to your nose. "And the lead guy, the, like, head agent? He's the hero. He lost his wife and daughter in a terrorist attack on the Vatican a few years back, so he's a little fucked up, but—"

You say, "Terrorists attacked the Vatican?"

"Huh?"

You look at her, waiting. She has a small face, eyes too close to her nose.

"In the *movie*," Mandy says. "Not in real life."

"Oh. I just—you know, four years inside, you assume you missed a couple of headlines, but ..."

"Right." Her face is dark and squally now. "Can I finish?"

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"I'm just saying," you say and snort another line off your fist, "even the guys on death row would have heard about that one."

"Just go with it," your father says. "It's not, like, real life."

You look out the window, see a guy in a chicken suit carrying a can of gas in the breakdown lane, think how real life isn't like real life. Probably more like this poor dumb bastard running out of gas in a car with wings painted on it. Wondering how the hell he ever got here. Wondering who he'd pissed off in that previous real life.

Your father has rented two rooms at an Econo Lodge so that you and Mandy can have some privacy, but you send Mandy home after she twice interrupts the sex to pontificate on the merits of Michael Bay films.

You sit in the blue-wash flicker of ESPN and eat peanuts from a plastic bag you got out of a vending machine and drink plastic cupfuls of Jim Beam from a bottle your father presented when you reached the motel parking lot. You think of the time you've lost, and how nice it is to sit alone on a double bed and watch TV, and you think of Gwen, can taste her tongue for just a moment, and you think about the road that's led you here to this motel room on this night after forty-seven months in prison, and how a lot of people would say it was a twisted road, a weird one, filled with curves, but you just think of it as a road like any other. You drive down it on faith, or because you have no other choice, and you find out what it's like by the driving of it, find out what the end looks like only by reaching it.

Late the next morning your father wakes you, tells you he drove Mandy home and you've got things to do, people to see.

Here's what you know about your father above all else: people have a way of vanishing in his company.

He's a professional thief, a consummate con man, an expert in his field—and yet something far beyond professionalism is at his core, something unreasonably arbitrary. Something

he keeps within himself like a story he heard once, laughed at maybe, yet swore never to repeat.

"She was with you last night?" you say.

"You didn't want her. Somebody had to prop her ego back up. Poor girl like that."

"But you drove her home," you say.

"I'm speaking Czech?"

You hold his eyes for a bit. They're big and bland, with the heartless innocence of a newborn's. Nothing moves in them, nothing breathes, and after a while you say, "Let me take a shower."

"Fuck the shower," he says. "Throw on a baseball cap and let's get."

You take the shower anyway, just to feel it, another of those things you would have realized you'd miss if you'd given it any thought ahead of time—standing under the spray, no one near you, all the hot water you want for as long as you want it, shampoo that doesn't smell like factory smoke.

Drying your hair and brushing your teeth, you can hear the old man flicking through channels, never pausing on one for more than thirty seconds: Home Shopping Network—zap. Springer—zap. Oprah—zap. Soap-opera voices, soap-opera music—zap. Monster-truck show—pause. Commercial—zap, zap, zap.

You come back into the room, steam trailing you, pick your jeans up off the bed, and put them on.

The old man says, "Afraid you'd drowned. Worried I'd have to take a plunger to the drain, suck you back up."

You say, "Where we going?"

"Take a drive." Your father shrugs, flicking past a cartoon.

"Last time you said that, I got shot twice."

Your father looks back over his shoulder at you, eyes big and soft. "Wasn't the car that shot you, was it?"

You go out to Gwen's place, but she isn't there anymore. A couple of black kids are playing in the front yard, black mother coming out on the porch to look at the strange car idling in front of her house.

"You didn't leave it here?" your father says.

"Not that I recall."

"Think."

"I'm thinking."

"So you didn't?"

"I told you—not that I recall."

"So you're sure."

"Pretty much."

"You had a bullet in your head."

"Two."

"I thought one glanced off."

You say, "Two bullets hit your fucking head, old man, you don't get hung up on the particulars."

"That how it works?" Your father pulls away from the curb as the woman comes down the steps.

The first shot came through the back window, and Gentleman Pete flinched. He jammed the wheel to the right and drove the car straight into the highway exit barrier, air bags exploding, water barrels exploding, something in the back of your head exploding, glass pebbles filling your shirt, Gwen going, "What happened? Jesus. What happened?"

You pulled her with you out the back door—Gwen, your Gwen—and you crossed the exit ramp and ran into the woods and the second shot hit you there but you kept going, not sure how, not sure why, the blood pouring down your face, your head on fire, burning so bright and so hard that not even the rain could cool it off.

"And you don't remember nothing else?" your father says. You've driven all over town, every street, every dirt road, every hollow you can stumble across in Sumner, West Virginia.

"Not till she dropped me off at the hospital."

"Dumb goddamn move if ever there was one."

"I seem to remember I was puking blood by that point, talking all funny."

"Oh, you remember that. Sure."

"You're telling me in all this time you never talked to Gwen?"

"Like I told you three years back, that girl got gone."

You know Gwen. You love Gwen. This part of it is hard to take. You remember Gwen in your car and Gwen in the cornstalks and Gwen in her mother's bed in the hour just before noon,

naked and soft. You watched a drop of sweat appear from her hairline and slide down the side of her neck as she snored against your shoulder blade, and the arch of her foot was pressed over the top of yours, and you watched her sleep, and you were so awake.

"So it's with her," you say.

"No," the old man says, a bit of anger creeping into his puppy-fur voice. "You called me. That night."

"I did?"

"Shit, boy. You called me from the pay phone outside the hospital."

"What'd I say?"

"You said, 'I hid it. It's safe. No one knows where but me.'"

"Wow," you say. "I said all that? Then what'd I say?"

The old man shakes his head. "Cops were pulling up by then, calling you 'motherfucker,' telling you to drop the phone. You hung up."

The old man pulls up outside a low red-brick building behind a tire dealership on Oak Street. He kills the engine and gets out of the car, and you follow. The building is two stories. Facing the street are the office of a bail bondsman, a hardware store, a Chinese takeout place with greasy walls the color of an old dog's teeth, and a hair salon called Girlfriend Hooked Me Up that's filled with black women. Around the back, past the whitewashed windows of what was once a dry cleaner, is a small black door with the words TRUE-LINE EFFICIENCY EXPERTS CORP. stenciled on the frosted glass.

The old man unlocks the door and leads you into a ten-by-ten room that smells of roast chicken and varnish. He pulls the string of a bare light bulb, and you look around at a floor strewn with envelopes and paper, the only piece of furniture a broken-down desk probably left behind by the previous tenant.

Your father crab-walks across the floor, picking up envelopes that have come through the mail slot, kicking his way through the paper. You pick up one of the pieces of paper and read it.

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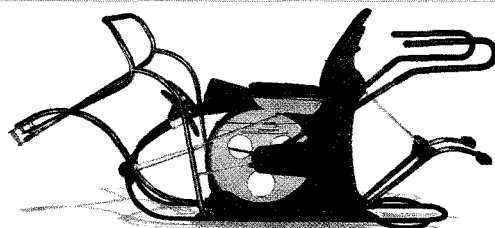
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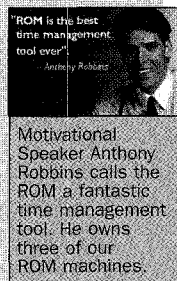
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3. Reading the ROM literature and reluctantly understanding it.
4. Taking a leap of faith and renting a ROM for 30 days.
5. Being highly impressed by the results and purchasing the ROM.
6. Becoming a ROM enthusiast and trying to persuade friends.
7. Being ignored and ridiculed by the friends who think you've lost your mind.
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closed a SASE to help facilitate this process. I hope to see you someday at the airport!

Sincerely,
Jackson A. Willis

You let it drop to the floor and pick up another one.

To Whom It May Concern:

Two months ago, I sent a money order in the amount of fifty dollars to your company in order that I may receive an information packet and sample test so that I could take the US government test and become a security handler and fulfill my patriotic duty against the al Qadas. I have not received my information packet as yet and no one answers when I call your phone. Please send me that information packet so I can get that job.

Yours truly,
Edwin Voeguarde
12 Hinckley Street
Youngstown, OH 44502

You drop this one to the floor too, and watch your father sit on the corner of the desk and open his fresh pile of envelopes with a penknife. He reads some, pauses only long enough with others to shake the checks free and drop the rest to the floor.

You let yourself out, go to the Chinese place and buy a cup of Coke, go into the hardware store and buy a knife and a couple of tubes of Krazy Glue, stop at the car for a minute, and then go back into your father's office.

"What're you selling this time?" you say.

"Airport security jobs," he says, still opening envelopes. "It's a booming market. Everyone wants in. Stop them bad guys before they get on the plane, make the papers, serve your country, and maybe be lucky enough to get posted near one of them Starbucks kiosks. Hell!"

"How much you made?"

Your father shrugs, though you're certain he knows the figure right down to the last penny.

"I've done all right. Hell else am I going to do, back in this shit town for three months, waiting on you? 'Bout time to shut this down, though." He holds up a stack of about sixty checks. "Deposit these and cash out the account. First two months, though? I

was getting a thousand, fifteen hundred checks a week. Thank the good Lord for being selective with the brain tissue, you know?"

"Why?" you say.

"Why what?"

"Why you been hanging around for three months?"

Your father looks up from the stack of checks, squints. "To prepare a proper welcome for you."

"A bottle of whiskey and a hooker who gives lousy head? That took you three months?"

Your father squints a little more, and you see a shaft of gray between the two of you, not quite what you'd call light, just a shaft of air or atmosphere or something, swimming with motes, your father on the other side of it looking at you like he can't quite believe you're related.

After a minute or so your father says, "Yeah."

Your father told you once you'd been born in New Jersey. Another time he said New Mexico. Then Idaho. Drunk as a skunk a few months before you got shot, he said, "No, no. I'll tell you the truth. You were born in Las Vegas. That's in Nevada."

You went on the Internet to look yourself up but never did find anything.

Your mother died when you were seven. You've sat up at night occasionally and tried to picture her face. Some nights you can't see her at all. Some nights you'll get a quick glimpse of her eyes or her jawline, see her standing by the foot of her bed, rolling her stockings on, and suddenly she'll appear whole cloth, whole human, and you can smell her.

Most times, though, it's somewhere in between. You see a smile she gave you, and then she'll vanish. See a spatula she held turning pancakes, her eyes burning for some reason, her mouth an O, and then her face is gone and all you can see is the wallpaper. And the spatula.

You asked your father once why he had no pictures of her. Why hadn't he taken a picture of her? Just one lousy picture?

He said, "You think it'd bring her back? No, I mean, do you? Wow," he said, and rubbed his chin. "Wouldn't that be cool?"

You said, "Forget it."

"Maybe if we had a whole album of pictures?" your father said. "She'd, like, pop out from time to time, make us breakfast."

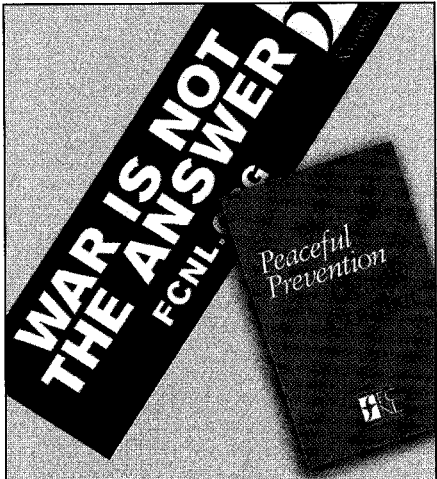
Now that you've been in prison, you've been documented, but even they'd had to make it up, take your name as much on faith as you. You have no Social Security number or birth certificate, no passport. You've never held a job.

Gwen said to you once, "You don't have anyone to tell you who you are, so you don't need anyone to tell you. You just are who you are. You're beautiful."

And with Gwen that was usually enough. You didn't need to be defined —by your father, your mother, a place of birth, a name on a credit card or a driver's license or the upper left corner of a check. As long as her definition of you was something she could live with, then you could too.

You find yourself standing in a Nebraska wheat field. You're seventeen years old. You learned to drive five years earlier. You were in school once, for two months when you were eight, but you read well and you can multiply three-digit numbers in your head faster than a calculator, and you've seen the country with the old man. You've learned people aren't that smart. You've learned how to pull lottery-ticket scams and asphalt-paving scams and get free meals with a slight upturn of your brown eyes. You've learned that if you hold ten dollars in front of a stranger, he'll pay twenty to get his hands on it if you play him right. You've learned that every good lie is threaded with truth and every accepted truth leaks lies.

You're seventeen years old in that wheat field. The night breeze smells of wood smoke and feels like dry fingers as it lifts your bangs off your forehead. You remember everything about that night because it is the night you met Gwen. You are two years away from prison, and you feel like someone has finally given you permission to live.



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FOR THE FIRST TIME, PERHAPS, A TENABLE HISTORY OF JESUS

It won't be found in the Bible. Critical examination of the New Testament Gospels reveals sloppy history, perhaps deliberately deceptive, giving a picture of Jesus more imaginative than factual. Most Christians seem not to notice or care—transcendentalism spins its own reality. But true realists, for whom historical accuracy matters, may be pleased with what the recently discovered *Gospel of Thomas* provides: 113 notes taken down by Thomas of perplexing things Jesus said. Such notes were probably made at the times they were heard and have not suffered alteration—the best kind of source for a history.

Jack Hannah in *You Will Not Taste Death: Jesus and Epicureanism* recognizes the notes as chronologically ordered and correlative with the skeletal history used in the *Gospel of Mark*. Hannah provides all the text of *Thomas* and all Marcan context, and upon this develops a narrative about Jesus that is tenably historical.

This *historical* Jesus based his teaching on the Epicurean philosophy; e.g. in place of Judaism's practices of fasting, praying, almsgiving, and obeying food laws, this *historical* Jesus said, "Tell no lie and do not do what you hate."

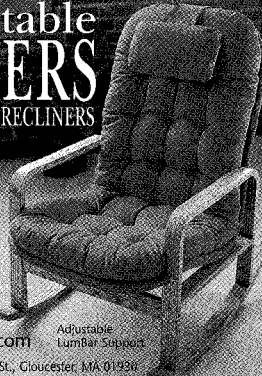
This *historical* Jesus never mentioned devil, demons, or hell. And the most radical influence of Epicureanism on Jesus' thought was that God and Caesar are man-made authorities and that one's ultimate authority should be oneself.

Hannah's book is 321 pgs., pbk., \$12 postpaid.

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This is what few people know about Sumner, West Virginia: every now and then someone finds a diamond. Some dealers were in a plane that went down in a storm in '51, already blown well off course, flying a crate of Israeli stones down the Eastern Seaboard toward Miami. Plane went down near an open mineshaft, took some swing-shift miners with it. The government showed up, along with members of an international gem consortium, got the bodies out of there, and went to work looking for the diamonds. Found most of them, or so they claimed, but for decades afterward rumors persisted, occasionally given credence by the sight of a miner, still grimed brown by the shafts, tooling around town in an Audi.

You'd been in Sumner peddling hurricane insurance in trailer parks when word got around that someone had found a diamond as big as a casino chip. Miner by the name of George Brunda, suddenly buying drinks, talking to his travel agent. You and Gwen shot pool with him one night, and you could see his dread in the bulges under his eyes, the way his laughter exploded too high and too fast.

He didn't have much time, old George, and he knew it, but he had a mother in a rest home, and he was making the arrangements to get her transferred. George was a fleshy guy, triple-chinned, and dreams he'd probably forgotten he'd ever had were re-discovered and weighted in his face, jangling and pulling the flesh.

"Probably hasn't been laid in twenty years," Gwen said when George went to the bathroom. "It's sad. Poor sad George. Never knew love."

Her pool stick pressed against your chest as she kissed you, and you could taste the tequila, the salt, and the lime on her tongue.

"Never knew love," she whispered in your ear, an ache in the whisper.

"What about the fairground?" your father says as you leave the office of True-Line Efficiency Experts Corp. "Maybe you hid it there. You always had a fondness for that place."

You feel a small hitch. In your leg, let's say. Just a tiny clutching sensation

in the back of your right calf. But you walk through it, and it goes away.

You say to your father as you reach the car, "You really drive her home this morning?"

"Who?"

"Mandy?"

"Who's ... ?" Your father opens his door, looks at you over it. "Oh, the whore?"

"Yeah."

"Did I drive her home?"

"Yeah."

Your father pats the top of the door, the cuff of his denim jacket flapping around his wrist, his eyes on you. You feel, as you always have, reflected in them, even when you aren't, couldn't be, wouldn't be.

"Did I drive her home?" A smile bounces in the rubber of your father's face.

"Did you drive her home?" you say.

That smile's all over the place now—the eyebrows, too. "Define home."

You say, "I wouldn't know, would I?"

"You're still pissed at me because I killed Fat Boy."

"George."

"What?"

"His name was George."

"He would have ratted."

"To who? It wasn't like he could file a claim. Wasn't a fucking lottery ticket."

Your father shrugs, looks off down the street.

"I just want to know if you drove her home."

"I drove her home," your father says.

"Yeah?"

"Oh, sure."

"Where'd she live?"

"Home," he says, and gets behind the wheel, starts the ignition.

You never figured George Brunda for smart, and only after a full day in his house, going through everything down to the point of removing the dry-wall and putting it back, resealing it, touching up the paint, did Gwen say, "Where's the mother stay again?"

That took uniforms, Gwen as a nurse, you as an orderly, Gentleman Pete out in the car while your father kept watch on George's mine entrance and monitored police activity over a scanner.

The old lady said, "You're new here,

and quite pretty," as Gwen shot her up with phenobarbital and Valium and you went to work on the room.

This was the glitch: You'd watched George drive to work, watched him enter the mine. No one saw him come back out again, because no one was looking on the other side of the hill, at the exit of a completely different shaft. So while your father watched the front, George took off out the back, drove over to check on his investment, walked into the room just as you pulled the rock from the back of the mother's radio, George looking politely surprised, as if he'd stepped into the wrong room.

He smiled at you and Gwen, held up a hand in apology, and backed out of the room.

Gwen looked at the door, looked at you.

You looked at Gwen, looked at the window, looked at the rock filling the center of your palm, the entire center of your palm. Looked at the door.

Gwen said, "Maybe we—"

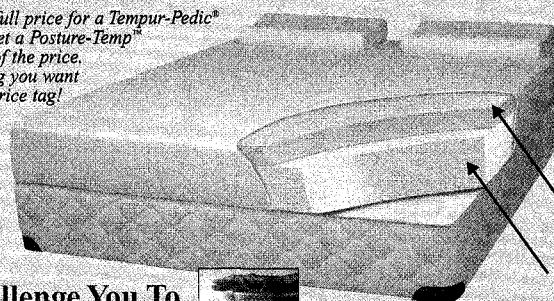
And George came through the door again, nothing polite in his face, a gun in his hand. And not any regular gun—a motherfucking six-shooter, like they carried in westerns, long, thin barrel, a family heirloom maybe, passed down from a great-great-great-grandfather, not even a trigger guard, just the trigger, and crazy fat George the lonely unloved pulling back on it and squeezing off two rounds, the first of which went out the window, the second of which hit metal somewhere in the room and then bounced off that. The old lady went "Ooof," even though she was doped up and passed out, and it sounded to you like she'd eaten something that didn't agree with her. You could picture her sitting in a restaurant, halfway through coffee, placing a hand to her belly, saying it: "Ooof." And George would come around to her chair and say, "Is everything okay, Mama?"

But he wasn't doing that now, because the old lady went ass-end-up out of the bed and hit the floor, and George dropped the gun and stared at her and said, "You shot my mother."

And you said, "You shot your mother," your entire body jetting sweat through the pores all at once.

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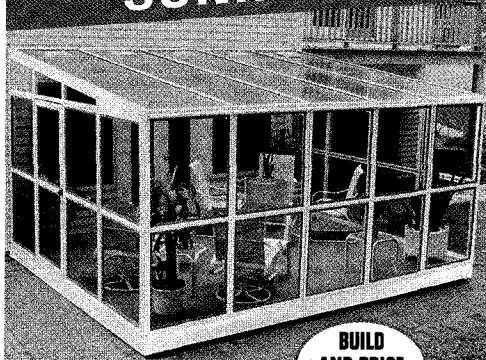
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"No, you did. No, you did."
You said, "Who was holding the fucking gun?"

But George didn't hear you. George jogged three steps and dropped to his knees. The old lady was on her side, and you could see blood staining the back of her white johnny.

George cradled her face, looked into it, and said, "Mother. Oh, Mother, oh, Mother, oh, Mother."

And you and Gwen ran right the fuck out of that room.

In the car Gwen said, "You saw it, right? He shot his own mother."

"He did?"

"He did," she said. "Baby, she's not going to die from that."

"Maybe. She's old."

"She's old, yeah. The fall from the bed was worse."

"We shot an old lady."

"We didn't shoot her."

"In the ass."

"We didn't shoot anyone. He had the gun."

"That's how it'll play, though. You know that. An old lady. Christ."

Gwen's eyes were the size of that diamond as she looked at you, and then she said, "Ooof."

"Don't start," you said.

"I can't help it, Bobby. Jesus."

She said your name. That's your name—Bobby. You loved hearing her say it.

Sirens were coming up the road behind you now, and you were looking at her and thinking, This isn't funny, it isn't, it's fucking sad, that poor old lady, and thinking, Okay, it's sad, but God, Gwen, I will never, ever live without you. I just can't imagine it anymore. I want to ... What?

Wind was pouring into the car, and the sirens were growing louder, an army of them, and Gwen's face was an inch from yours, her hair falling from behind her ear and whipping across her mouth, and she was looking at you, she was seeing you—really *seeing* you. Nobody'd ever done that, nobody. She was tuned to you like a radio tower out on the edge of the unbroken fields of wheat, blinking red under a dark-blue sky, and that night breeze lifting your

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O	S	O	D	I	S	H	O	N	E	S	T
R	E	S	E	W	E	D	D	F	R	E	E
S	E	E	R	S	R	E	S	E	A	T	S

"Magic Rings"

Across. 1. A + M(ERIN)D 6. LAG + OS (rev.) 11. TROLL (double def.) 12. P(UMPS)UP
13. CO(QUE)TTE (octet anag.) 14. HE(PC)AT 16. ROBE (anag.) 17. VE(GET)AL 18. CHOR(A)LES
23. SEDITION (anag. and pun) 24. RE + MA(R)RY 28. BRO(NC)S 29. URSINE (anag.)
30. HE(DON)ISTS 31. RE(S + EWE)D 32. F(R)EE 33. SEERS (homophone) 34. RESEATS
(anag.) *Down.* 1. ARCH + Y 2. MORSE + L 3. LO(PER)S 4. IGUANAS (anag.) 5. D + U + TIES
7. POE + TASTER 8. S + COT 9. PLUM + BAC + O 10. SPIE(L)S 15. CARRIE + DON
19. O + VERSE + A 20. STORIED (anag.) 21. R(I + VIE)R + A 22. HARBORS (anag.)
23. ERAS + ER 25. MOUS(E) 26. S + TONE 27. METES (hidden)

bangs was her, for Christ's sake, her, and she was laughing, her hair in her teeth, laughing because the old lady had fallen out of the bed and it wasn't funny, it wasn't, and you said the first part in your head, the "I want to" part, but you said the second part aloud: "Dissolve into you."

And Gentleman Pete, up there at the wheel, on this dark country road, said, "What?"

But Gwen said, "I know, baby. I know." And her voice broke around the words, broke in the middle of her laughter and her fear and her guilt, and she took your face in her hands as Pete drove up on the interstate, and you saw all those siren lights washing across the back window like Fourth of July ice cream. Then the window came down like yanked netting and chucked glass pebbles into your shirt, and you felt something in your head go all shifty and loose and hot as a cigarette coal.

The fairground is empty, and you and your father walk around for a bit. The tarps over some of the booths have come undone at the corners, and they rustle and flap, caught between the wind and the wood, and your father watches you, waiting for you to remember, and you say, "It's coming back to me. A little."

Your father says, "Yeah?"

You hold up your hand, tip it from side to side.

Out behind the cages where, in summer, they set up the dunking machine and the bearded lady's chair and the fast-pitch machines, you see a fresh square of dirt, recently tilled, and you stand over it until your old man stops beside you, and you say, "Mandy?"

The old man chuckles softly, scuffs at the dirt with his shoe, looks off at the horizon.

"I held it in my hand, you know," you say.

"I'd figure," the old man says.

It's quiet, the land flat and metal-blue and empty for miles in every direction, and you can hear the rustle of the tarps and nothing else, and you know that the old man has brought you here to kill you. Picked you up from prison to kill you. Brought you into the

world, probably, so eventually he could kill you.

"Covered the center of my palm."

"Big, huh?"

"Big enough."

"Running out of patience, boy," your father says.

You nod. "I'd guess you would be."

"Never my strong suit."

"No."

"This has been nice," your father says, and sniffs the air. "Like old times, reconnecting and all that."

"I told her that night to just go, just put as much country as she could between you and her until I got out. I told her to trust no one. I told her you'd stay hot on her trail even when all logic said you'd quit. I told her even if I told you I had it, you'd have to cover your bets—you'd have to come looking for her."

Your father looks at his watch, looks off at the sky again.

"I told her if you ever caught up to her, to take you to the fairground."

"Who's this we're talking about?"

"Gwen." Saying her name to the air, to the flapping tarps, to the cold.

"You don't say." Your father's gun comes out now. He taps it against his outer knee.

"Told her to tell you that's all she knew. I'd hid it here. Somewhere here."

"Lotta ground."

You nod.

Your father turns so you are facing, his hands crossed over his groin, the gun there, waiting.

"The kinda money that stone'll bring," your father says, "a man could retire."

"To what?" you say.

"Mexico."

"To what, though?" you say. "Mean old man like you? What else you got, you ain't stealing something, killing somebody, making sure no one alive has a good fucking day?"

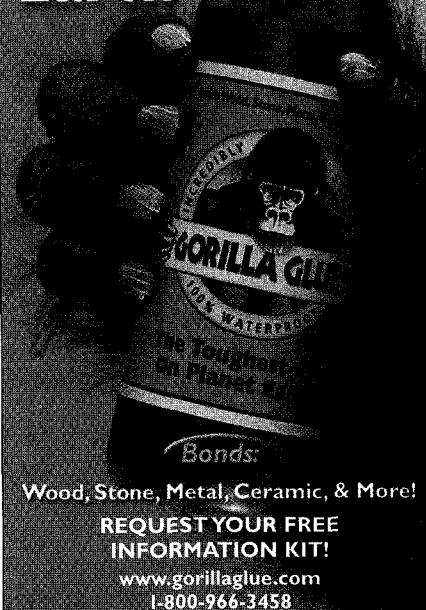
The old man shrugs, and you watch his brain go to work, something bugging him finally, something he hasn't considered until now.

"It just come to me," he says.

"What's that?"

"You've known for, what, three years now that Gwen is no more?"

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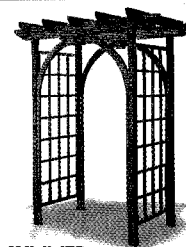
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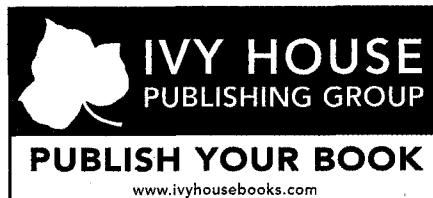


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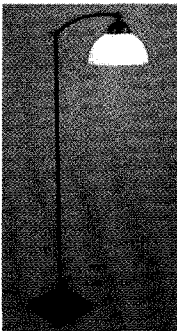


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"Dead."

"If you like," your father says. "Dead."

"Yeah."

"Three years," your father says. "Lot-ta time to think."

You nod.

"Plan."

You give him another nod.

Your father looks down at the gun in his hand. "This going to fire?"

You shake your head.

Your father says, "It's loaded. I can feel the mag weight."

"Jack the slide," you say.

He gives it a few seconds and then tries. He yanks back hard, bending over a bit, but the slide is stone.

"Krazy Glue," you say. "Filled the barrel, too."

You pull your hand from your pocket, open up the knife. You're very talented with a knife. Your father knows this. He's seen you win money this way, throwing knives at targets, dancing blades between your fingers in a blur.

You say, "Wherever you buried her, you're digging her out."

The old man nods. "I got a shovel in the trunk."

You shake your head. "With your hands."

Dawn is coming up, the sky bronzed with it along the lower reaches, when you let the old man use the shovel. His nails are gone, blood crusted black all over the older cuts, red seeping out of the newer ones. The old man broke down crying once. Another time he got mean, told you you weren't his anyway, some whore's kid he found in a barrel, decided might come in useful on a missing-baby scam they were running back then.

You say, "Was this in Las Vegas? Or Idaho?"

When the shovel hits bone, you say, "Toss it back up here," and step back as the old man throws the shovel out of the grave.

The sun is up now, and you watch the old man claw away the dirt for a while, and then there she is, all black and rotted, bones exposed in some places, her rib cage reminding you of the scales of a large fish you saw dead on a beach once in Oregon.

The old man says, "Now what?" and tears flee his eyes and drip off his chin.

"What'd you do with her clothes?"

"Burned 'em."

"I mean, why'd you take 'em off in the first place?"

The old man looks back at the bones, says nothing.

"Look closer," you say. "Where her stomach used to be."

The old man squats, peering, and you pick up the shovel.

Until Gwen, you had no idea who you were. None. During Gwen, you knew. After Gwen, you're back to wondering.

You wait. The old man keeps cocking and re-cocking his head to get a better angle, and finally, finally, he sees it.

"Well," he says, "I'll be damned."

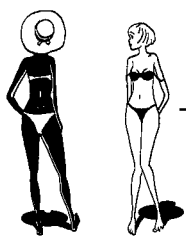
You hit him in the head with the shovel, and the old man says, "Now, hold on," and you hit him again, seeing her face, the mole on her left breast, her laughing once with a mouth full of popcorn. The third swing makes the old man's head tilt funny on his neck, and you swing once more to be sure and then sit down, feet dangling into the grave.

You look at the blackened, shriveled thing lying below your father, and you see her face with the wind coming through the car and her hair in her teeth and her eyes seeing you and taking you into her like food, like blood, like what she needed to breathe, and you say, "I wish ..." and sit there for a long time with the sun beginning to warm the ground and warm your back and the breeze returning to make those tarps flutter again, desperate and soft.

"I wish I'd taken your picture," you say finally. "Just once."

And you sit there until it's almost noon and weep for not protecting her and weep for not being able to know her ever again, and weep for not knowing what your real name is, because whatever it is or could have been is buried with her, beneath your father, beneath the dirt you begin throwing back in. ▀

Dennis Lehane is the author of seven novels, including Mystic River (2001) and Shutter Island (2003). He is currently working on a novel set during the Boston police strike of 1919. He lives in the Boston area.



THE PUZZLER

by EMILY COX and HENRY RATHVON

Graphic Arts

Although this puzzle's grid is barless and no lengths are given, most clue answers may be entered normally. A few answers require a little more creativity in their placement. These answers employ the set of PAINTBOX letters already placed in the grid. Clues for these entries are grouped together in no special order, but when a PAINTBOX letter forms a link between two entries, they are clued in order as a pair. An assessment of the finished work is provided by the unclued expression at 17 Across. Seven answers are capitalized.

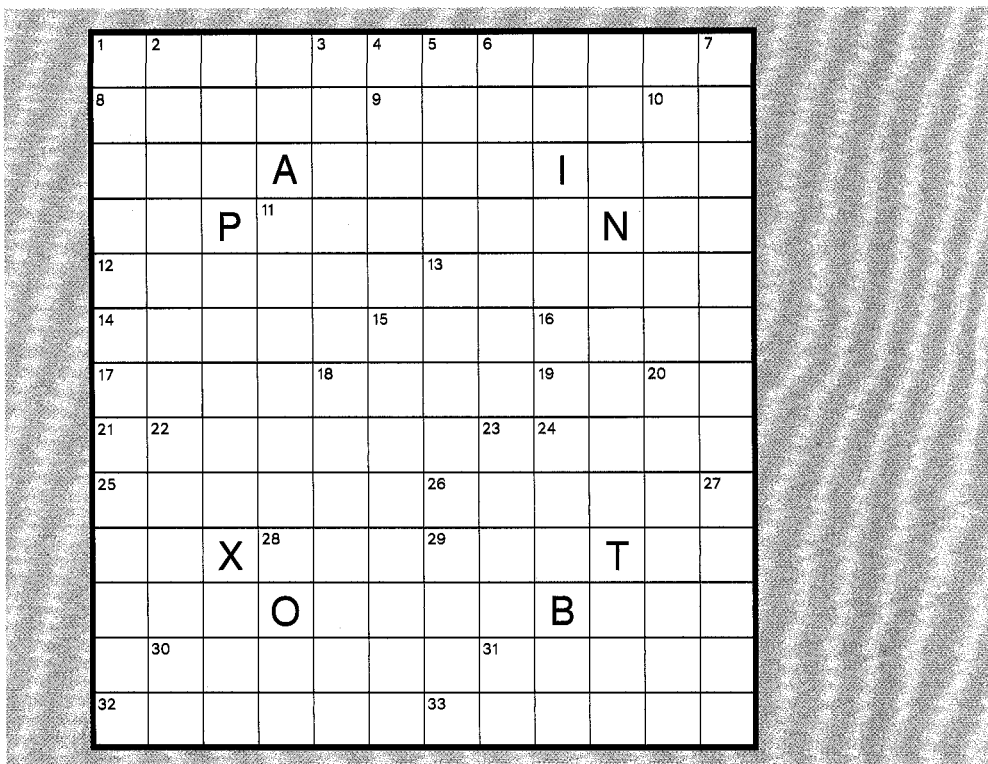
Last month's Puzzler solution is on page 150

ACROSS

1. Shoe tongue?
5. Cries about theater's back rows
8. Go on new jet
9. Royal guard changed one May
11. Rock bass pursued by a sailor
12. Approve attack from the rear in *Shaft*
13. Tell cast about the Thing's baby
14. Article appearing shortly
16. Addict rues cracking up
21. Carried away, covered to the ears
24. John, the man in the Christian era
25. Roosevelt's successor almost receiving a shock
26. California town backpedaling on downtrodden laborer
28. New York nabbed mugger?
30. Some Olympians retired into heavens
31. Bring on popular villain
32. Tries to catch legendary creatures
33. Enjoys sitting behind fathers and Ottoman officials

DOWN

1. It's cold around one opening of air pipe
2. Bright day in Madrid, with storm on the outskirts
3. Hazardous, changing a fuse around bit of nitroglycerin
4. Views are finally okay

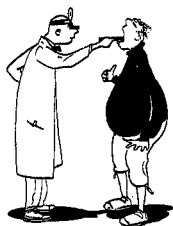


5. Left inside, got front of door stuck in a way
6. Bun that tastes bad with caper
7. Split foremost of roles in star act
10. San Francisco hill the French elevated
11. Crooner Newton in film starring Tom Hanks
14. Rig that I ordered is invulnerable to attack
15. Southeastern alliance's embracing Republican politicians
18. Overhaul Austin Powers's style in film segment
19. Our opponents cross border
20. Take position on water from Mexico in Central American city
22. Changes after the first sign
23. Song about a bishop's place in the Middle East
27. "Love Doctor"'s holding ring and bouquets
29. Snake behind center of the latch

PAINTBOX

- a. Muse about retrospective painting of a sort
Nail lot containing aluminum
- b. Rock act seen from behind some trees
- c. Cleric remade *Babe*
With zest, circle dance
- d. Firm in Augusta unchanged
- e. Best current bargain
Start of play has empty stage
- f. A church involved in commie gambling game
- g. Sort of map icon Meg redesigned
Howard, practice movement in a concerto
- h. Excessively radioactive holmium covered by patent

Note: The instructions above are for this month's puzzle only. It is assumed that you know how to decipher clues. For a complete introduction to clue-solving visit www.theatlantic.com/issues/puzzclue.htm or send an addressed, stamped long envelope to The Atlantic Puzzler, 77 North Washington Street, Boston, Mass. 02114.



WORD COURT

by BARBARA WALLRAFF

KENT TANKERSLEY, of Helsinki, Finland, writes, "I work in a European office of a multinational company. After I recently wrote the somewhat clichéd phrase '*We cannot understate the importance of ...*,' some of my colleagues, who are not native English-speakers, pointed out that this didn't make sense. Although the phrase sounded perfectly okay to me and the only other native English-speaker in the office, I had to admit that, logically, the literal meaning was the opposite of what I intended. Obviously, it should be '*We cannot overstate the importance of ...*' Puzzled by why the phrase had sounded so natural in the first place, I did a Google search for *cannot understate the importance* and found that it is indeed used in reputable documents.

"Doing the same for *cannot overstate the importance*, I found that, unsurprisingly, this correct usage is seen more frequently. Is it wrong to use *cannot understate the importance*? Or is it so widely accepted to mean the opposite of its literal meaning that it doesn't matter, because everyone understands it anyway?"

Cannot understate and *cannot overstate* are like architectural elements in an M. C. Escher drawing: if you like, you can flip-flop them in your mind. The trick is done by *cannot*, which has two meanings. Think of Parson Weems's tale in which the young George Washington declared, "I *can't* tell a lie." Of course Washington was physically capable of uttering a false statement; by *can't*, he meant he chose not to. *Can't*, or *cannot*, can mean something very much like *must not*—and if it means that, *cannot understate the importance* makes sense. Clear communication is subverted, though, when antithetical statements mean the same thing. *Cannot overstate* is more commonly seen and heard, as you say—in fact, it's *much* more common. Why not use it from now on?

AMI DIGIACINTO, of Burbank, California, writes, "I know that the symbol for medicine, a winged staff with two snakes twined around it, is called a *caduceus*. I've noticed that the symbol is slightly different for 'lower-level' medical professions, such as paramedic or nurse. On the symbol for the latter there is only one snake. Is the *duc* in *caduceus* the root of the Latin word for 'two' (as in 'two snakes'), and does the latter symbol therefore have a different name?"

In fact the one-snake staff is the symbol that's more directly relevant to medicine, because it originally belonged



to Asklepios (his Greek name), or Aesculapius (as the Romans called him)—the god or demigod or at any rate a practitioner of medicine and healing. The snake, because it sheds its skin, was a symbol of rejuvenation, and Aesculapius was thought to appear at times in the form of a snake. When there's only one snake, it's the *staff of Aesculapius*. The American Medical Association and the National Registry of Emergency Medical Technicians, among other organizations, use this as their symbol.

As for *caduceus*, in Latin the word means a herald's wand or staff; the *duc* is just a syllable and does not signify "two." Hermes (Greek), or Mercury (Roman),

carried a caduceus. He was not only the patron of commerce, travel, and thievery but also the messenger of the other gods. Various stories are told about why Mercury's caduceus has snakes twined around it—but none of them has much to do with medicine.

In 1902, even as the coat of arms of the U.S. Army Medical Corps continued to bear the staff of Aesculapius, the corps added the caduceus to its officers' uniforms—not to symbolize the medical profession but to indicate neutrality in combat. According to an article by Lieutenant Colonel F. H. Garrison, M.C., U.S. Army, that appeared in the *Bulletin of the Medical Library Association* in 1919, "On the firing line, the medical officer, if the Geneva Convention is observed, is protected by his non-combatant status, just as the caduceus-bearing herald of ancient Rome was immune from attack." Today the caduceus is the official U.S. Army medical insignia. However, the British Royal Medical Corps uses the staff of Aesculapius.

MARY WALDMANN, of Bellevue, Washington, writes, "Why are the local business organizations across the country called '*chambers of commerce*'? 'Rooms of commerce'? There must be a logical reason for the use of *chamber*, but what it is I can't imagine."

You're right that *chamber* did first mean "room," but as long ago as the fourteenth century the word began to be used to refer to groups that met in particular rooms. When you think about it, the use of this term makes no more and no less sense than referring to the *houses* of a legislature—or calling the President and his advisers the *White House*.

Do you have a language question or dispute? Write to Word Court in care of The Atlantic Monthly, 77 North Washington Street, Boston, MA 02114, or send e-mail to msgrammar@theatlantic.com. All letters become the property of Word Court. Ms. Grammar is also on the Web, at www.theatlantic.com/courtrecord.

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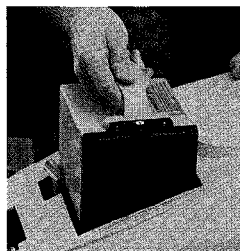
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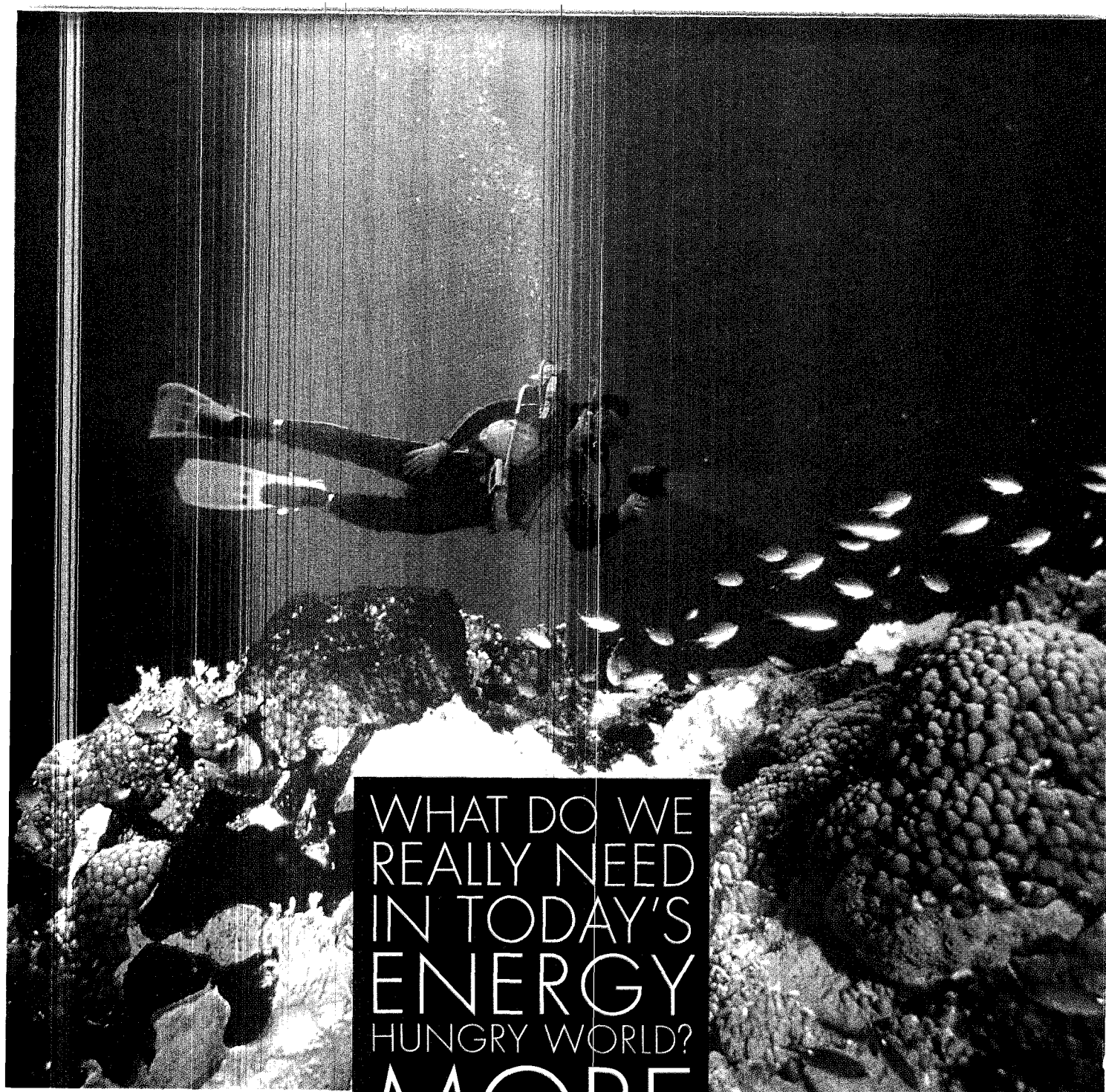
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